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AN  
**HISTORICAL INTERPRETATION**  
OF THE  
Correspondence  
OF

77028

**SIR GEORGE RUSSEL CLERK,**

*POLITICAL AGENT,*

**AMBALA AND LUDHIANA.**

954.082 1831-43

CLE-H

*Thesis approved for the Degree of Doctor of Philosophy  
in the University of the Panjab, Lahore.*

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TO

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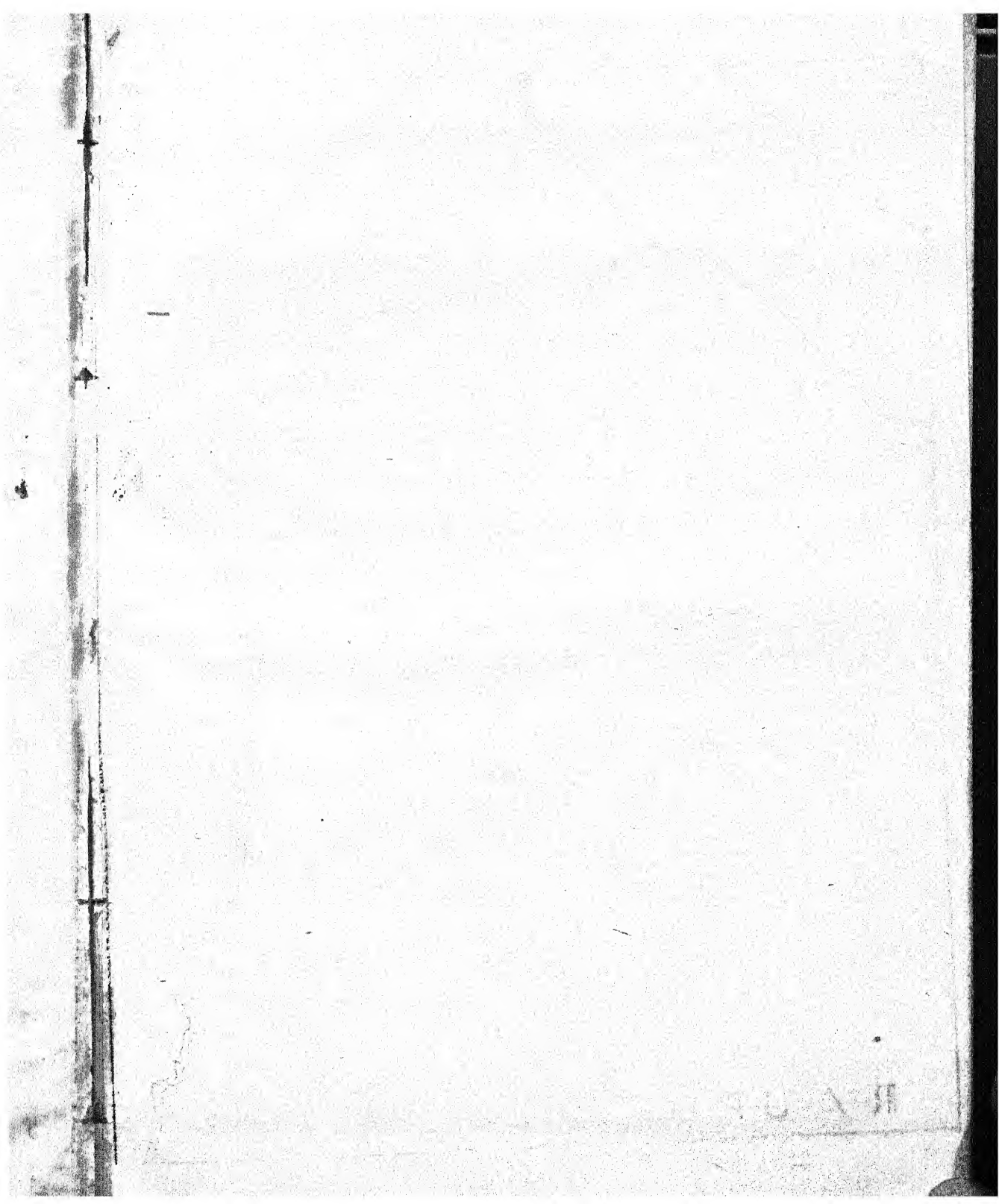


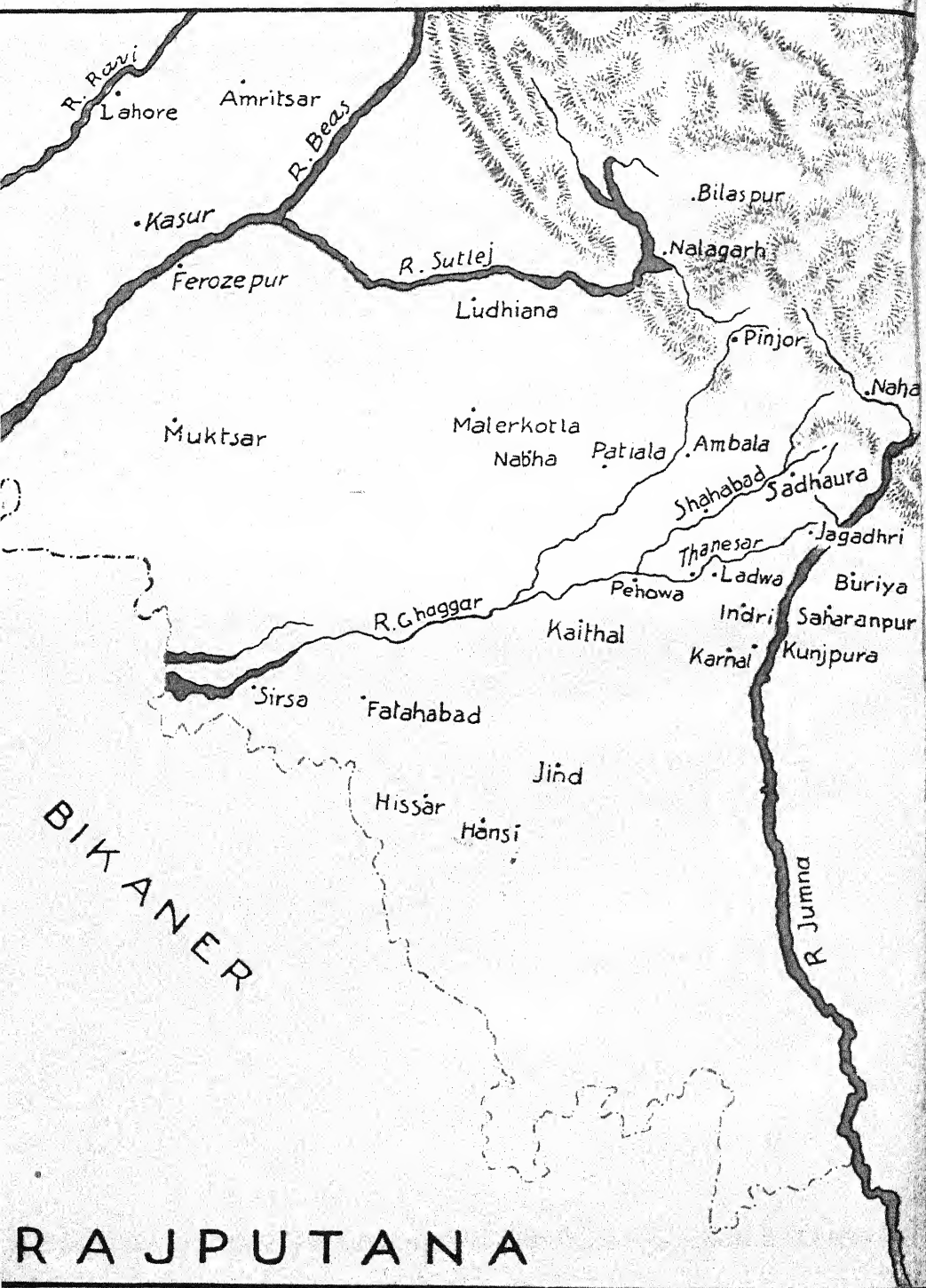
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## INTRODUCTION

This treatise is built on the correspondence of one of the British Political Agents—George Russel Clerk—who during the first half of the 19th century so materially helped in shaping the policy of the Company's Government towards the Cis and the Trans Sutlej regions. Stationed as they were at the out-posts of the fast expanding English dominions, in areas with which the English had only recently come into contact, these "men on the spot" were naturally to be relied upon for advice and decision by the Supreme Government at Calcutta. George Russel Clerk served as Political Agent at Ambala and Ludhiana for a period of twelve years from August, 1831 to June, 1843.

My first attempts at research in the history of the Punjab began, some twenty years ago, as a Post-Graduate student. Although the work which I undertook for my M.A. degree was somewhat elementary, yet it developed in me an abiding taste and liking for historical research. My next chance came after I was appointed Lecturer in Dyal Singh College, Lahore. I had maintained my contacts with the Punjab Record Office and its Keeper, Dr. G.L. Chopra, himself a keen research scholar, who suggested to me the subject and the title of this thesis. Indeed, it was largely at his encouragement and persuasion that I took up this work in 1939. The subject had other attractions as well; it was closely linked with the theme which I prepared for my Master's Degree: besides, the whole mass of material was preserved in a single archive—the Punjab Record Office, Lahore.

So far, I had looked upon Ochterlony, Murray, and Wade as the most distinguished of the Political Agents who had conducted the relations of the Supreme Government with the Cis-Sutlej Chiefs or Ranjit Singh. But the study of Clerk's voluminous correspondence completely changed my opinion in this matter. I discovered that Clerk's despatches—the letters written to or by him—comprise as many as forty-five volumes the average size of a volume being about 400 closely written pages of foolscap size.<sup>1</sup> I then realised that his work had been equally

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1. The entire correspondence is preserved in manuscript form.

strenuous and important with other Agents who either preceded or succeeded him. Impressed by the size of the correspondence, I tried to find something about the man himself. Buckland's Dictionary of Indian Biography provided the first clue to his career:- "Sir George Russel Clerk (1800-1889), I.C.S; son of John Clerk; educated at Hallebury; entered the service as Writer 1817; after holding some unimportant appointments in Bengal he entered the Political Department, was in the Secretariat in Rajputana, at Delhi; Political Agent at Ambala and Ludhiana, Envoy at Lahore, 1842; Agent to the Governor-General on the North Western Frontier during the first Afghan War in which capacity he pushed forward reinforcements with energy, and after the massacre of the army, urged a policy of retribution. He was Lieutenant-Governor of the North-West Provinces, June to December, 1843; provisional member of the Supreme Council 1844; twice Governor of Bombay from 1847 to 1848; from 1860-62 and K.C.B. He refused the Government of Cape, but served on boundary and political work 1853-4; was Under-Secretary and Secretary to the Board of Control in 1856-58, and permanent Under Secretary of State for India 1863-76; K.C.S.I in 1861. G C S I, 1866; died July 25, 1889."

His correspondence falls into two sections; (a) that relating to the Cis-Sutlej Chiefs from 1831 to 1843; and b) that relating to Lahore Kingdom from 1840 to 1843. The latter section has been superficially judged as relatively more important as it deals with the historically well-known topics of the post-Ranjit Singh period ..... a period of Sikh history marred by intrigues and counter-intrigues of factions and parties at the Lahore Court and other events connected with the deaths of Maharaja Kharak Singh and Kanwar Nau Nihal Singh, the succession dispute between Rani Chand Kaur and Prince Sher Singh, the period of rule of Maharaja Sher Singh, and the British debacle in Afghanistan. However, as one wades through Clerk's countless letters and despatches concerning the Cis-Sutlej States, he is 'ruly struck with the immensity of his task. True, the work of Clerk in this field is less imposing or spectacular; but, from the stand point of the historian, it must not be valued less important on that account. Though not forming a chronicle of glorious deeds of royalties or of stirring events, the correspondence is of a wide historical interest in the annals of the Punjab. It is essentially of a constructive nature and represents a very great deal of pioneering work



in the field of Anglo-Indian administration. Not only did Clerk enunciate several new principles in regulating the relations of the States with the Suzerain power and among themselves, but he devised practicable methods for settling problems of succession, boundary disputes and the like—all calculated to developing peaceful conditions in the very extensive but very disturbed Cis-Sutlej lands.

Besides, the correspondence exemplifies Clerk's industry, mastery of detail, and love of fair play. He took pains in sifting cases thoroughly before forming conclusions. At times he erred but he always strove for the adoption of uniform and consistent principles in settling disputes. He laboured hard to improve the administration of the Chiefs, to make them feel that it was their duty to look after their subjects, to respect the lawful and just rights of one against another, and to teach and prove to them that they formed part of a beneficent Imperial entity which stood for moral and material betterment of people. In a few cases where he recommended escheat of Chiefships, he was inspired by the primary motive of the good of the subjects.

The present work is the outcome of the study of the first part of the correspondence as stated above and excludes the results of the examination of the data concerning the Trans-Sutlej area. The latter data, if only for its bulk, will suitably be resolved in an altogether separate compilation.

To be able to appraise fully the correspondence of Clerk, one has to appreciate duly the back-ground of Sikh History, especially the period beginning with the latter half of the 18th century. The Sikhs began their career of conquest after the defeat of the Mahrattas by Ahmad Shah Abdali at Panipat in 1761. Abdali, however, remained a potential danger to the Sikhs as long as he proved capable of invading the Punjab, but after his last expedition in 1767, the sovereignty of the Sikhs came practically to be established all over the Punjab. By 1773, the limits of their power extended from Saharanpur in the East to Attock in the West, from Multan in the South to Jammu and Kangra in the North. Further, during the seventies and eighties, the Sikhs formed themselves into several principalities which came to be scattered over the plains of the five rivers. The Cis-Sutlej region, i.e. the country

lying between the Sutlej and the Jumna, saw the rise and establishment of four principalities—the Nishanwalas, the Shahids or Nihangs, the Phulkias and the Karorsinghias. The most prominent and resourceful of this group proved to be the Phulkia houses of Patiala, Nabha, Jind and Kaithal, besides a number of petty estates. Then there were the Chiefships of Buria and Thanesar and the Pathan Princedom of Kunjpura and Malerkotla which also played an important part in the Cis-Sutlej history. Had the Cis-Sutlej lands produced a strong ruler, these various principalities might have been welded into a single kingdom, just as happened in the Trans-Sutlej tracts which Ranjit Singh transferred into his own dominions. This might have been accomplished by the House of Patiala, if after the death of Amar Singh in 1781, a strong man had succeeded the feeble Sahib Singh. Griffin rightly remarks that if Raja Amar Singh had lived or had been succeeded by rulers as able as himself, the cis-Sutlej states might have been welded into one kingdom and their independence might have been preserved both against the Lahore monarchy on one hand and the British Government on the other.

The history of the Cis Sutlej Chiefs may be partitioned into four stages. The first stage is from 1764 to 1770 when they started attacking the Rohilla leader Najib-ud-Daula, the Governor of the Doab of the Ganges and the Jumna; they continued to be a menace to him till his death in 1770. The second stage from 1770 to 1781 saw them confronting and defying the decadent Mughal power at Delhi. The third began in 1781—the period of Mahratta ascendancy in Northern India and that of Mahadji Sindhia, ably assisted by his French Lieutenants, De Boigne and Perron—this period also witnessed a duel for power between Perron and George Thomas, the English adventurer. The third period terminated with Lord Lake defeating the combined Mahratta and Sikh armies on September 11, 1803 at Delhi. The British victory at Laswari a couple of months later destroyed the Mahratta power in Northern India and brought the British boundary to the banks of the Jumna. It now appeared inevitable that the Cis-Sutlej princes would pass under British protection. But this was postponed for a while owing to a reaction against Wellesley's forward policy and "although known to the Sikh Chiefs of Sirhind, their connection



with the British came virtually to an end so far as regarded the reciprocal benefits of alliance."

In the meantime, Ranjit Singh, who had made his authority predominant in the regions west of the Sutlej, was casting "covetous eyes" on the Cis-Sutlej territory. In 1806, he was invited to intervene in a quarrel between Patiala and Nabha; in 1807 and 1808, he again crossed the Sutlej. It became apparent that, if left to himself, he would soon bring all these Chiefs under him. The Chiefs, too, being alive to this danger, formally applied to the British Resident at Delhi for protection; in March 1808, Lord Minto, the Governor-General, sent Metcalfe to negotiate the treaty of Amritsar (April 25, 1809) with Ranjit Singh who was told that all the Cis-Sutlej Chiefs had been taken under British protection and that he must limit his authority to the north bank of the Sutlej.

The treaty of Amritsar ushered in a fresh phase of the Cis-Sutlej history. The English Political Agents came to be stationed within this zone at centres like Karnal, Ambala and Ludhiana. From 1809 to the outbreak of the first Sikh War in 1845, the Supreme Government was represented at these out-posts by a succession of able men like David Ochterlony, William Murray, Claude Jacob Wade, and George Russel Clerk who in the course of the performance of their duties and trying to keep in with the trends of British policy addressed detailed despatches to their superiors at Delhi and Calcutta, reporting all matters of interest to the Company's power and obtaining guidance and sanction for their own actions in return. These matters were of a very varied nature and as such can not be covered in this introduction. Relations of Ranjit Singh with the Cis-Sutlej States, relations of Lahore Durbar with the British Government, disputes between the States and the Company and between the States themselves, cases of gross mal-administration in the Protected territory and serious breaches of peace, are only a few of outstanding importance. Clerk's correspondence is typical of that of other Political Agents with one exception—he held charge of the Ambala and Ludhiana agencies successively.

As far as the magnitude of Clerk's Cis-Sutlej correspondence is concerned, there are about 1100 letters (1084 to be exact) written by him; about 760 are those which were received by him; besides there is one book of vernacular correspondence, a number of letters classed as miscellaneous and about a hundred letters inter-mixed with Clerk's Trans-Sutlej correspondence. In addition, there are another one hundred or more letters pertaining exclusively to Kaithal. I have also read such letters of other Political Agents, including Richmond's and Broadfoot's, which are relevant to the matters treated in Clerk's correspondence. Thus the present dissertation is built upon an intensive study of more than two thousand letters and despatches which are contained in nearly eight thousand folios of foolscap size.

My one great difficulty has been the arrangement of this extensive material into the form of chapters. There is no printed material in a book-form in existence to be of some suggestive help for no scholar has treated this region historically except perhaps Griffin who, too, made a cursory study of this correspondence in the context of his own compilations of a much wider scope. These are three in number: The Law of Inheritance to Chiefships, The Rajas of the Punjab, and The Chiefs and families of Note in the Punjab. Though representing a laudable pioneering effort, these works are necessarily sketchy at places and contain minor mistakes about dates and facts. Griffin had no successor in the matter of seriously examining and historically resolving the earliest records of the Anglo-Cis-Sutlej relationship. As already mentioned, the contents of these records are much less glamorous than those pertaining to the Company's relations with the Trans-Sutlej Sikh Kingdom. Moreover, owing to their legalistic character, they make an extremely tedious and wearisome reading for a student of history. This, perhaps more than anything else, accounts for their neglect. However, this circumstance provides an ample justification for my attempting to present an historical appreciation of Clerk's Cis-Sutlej correspondence.

In arranging this correspondence, I have adopted the following 'modus-operandi.'

In Chapter I, I have provided a brief historical back-ground to the establishment of the Ludhiana Agency, the nature of its work, the

situation confronting Clerk on his appointment, the basis of the relations of the Cis-Sutlej States with the Supreme Government and finally their anomalous relations with the nominal sovereign of India, the Mughal ruler.

In Chapter II, I have traced the laws of succession among the Cis-Sutlej Chiefs, giving instances of partitioning of different estates, of Karewa marriage and other Sikh institutions and the details of partition disputes which arose in several principalities like Ramgarh, Malerkotla, Kunjpura, etc. These exemplify the complexities of the problem of partitioning and the pains taken by Clerk and his Government in reaching decisions. Again and again, Clerk draws his Government's attention to the fact that the Cis-Sutlej Chiefs had no rules to guide them, because before accepting the British protection, they had passed through a period of anarchy and turmoil when might was always right, when the weak had to go to the wall and when sword alone decided all disputes. There was not a Chief who had not a claim on its neighbour. As Lawrence so pertinently observed: ".....being a people of yesterday and having gained every thing by violence.....they have not had time to settle down and make laws of inheritance...some sort of rules appear...to have been from time to time patched up but in such times and such people, the law of the sword was the only one recognized." Thus Clerk's difficulties were intensified in the absence of any well-recognized laws or customs governing inheritance. When one studies these cases, one is struck by Clerk's herculean efforts in the midst of a morass of claims and counter-claims to do the right thing and to make his decisions conform to certain broad considerations accepted by civilized communities. That the Cis-Sutlej princes were not developed politically, that they had little civic consciousness or sense of right or wrong, and were, therefore, not easily convinced in cases where their demands were judged untenable, made Clerk's task all the more difficult and onerous and his achievements correspondingly all the more remarkable.

In Chapter III, I have examined the cases of those Chiefships which partially or wholly escheated to the British Government and the underlying principles which guided Clerk in the attitude he adopted in each case. The Chiefs, when accepting the British protection in 1809 had been told that no tribute would be demanded from them. Later on, a change came over Government's attitude when it felt chary of affording

this protection without expecting anything in return. After all, the Company had been acknowledged as the feudal over-lord of all the Cis-Sutlej Chieftains, having assumed the paramountcy of the Mughal Government. As such, it claimed the right to resume a principality, whenever, a chief died without direct heirs, and to refuse adoption. Moreover, Clerk and other contemporary British officials were eager to extend the benefits of direct British administration to the peoples of the Protected States. The administration of the Cis-Sutlej Chiefs lacked system and efficiency, when judged by the British standards. In the strong words of Griffin, to compare the British administration in the last century with those which existed side by side with it was an insult to the intelligence and that Native rule in India in those days generally signified oppression of the most terrible kind, insecurity of life and property, luxury and debauchery in the Prince and misery and want in the people. Barring a few exceptions and allowing for a little exaggeration of language, it must be reluctantly admitted that Griffin's indictment is true. One reason for this sorry state of affairs is that political authorities irresponsible in the matter of internal Government and well protected by a Suzerain power against external attack are seldom used wisely or well. Clerk was, therefore, naturally inclined to his Government assuming possession of principalities whenever an opportunity occurred. The 'doctrine of lapse,' made so famous by Lord Dalhousie a decade later, was but a mere exposition of the claim of Government to annex territories of the Indian rulers—a claim which had been sponsored by many British administrators, from the highest to the lowest, for years preceding the Indian Mutiny. During the period of Clerk's agency, a number of Chiefships were taken over by the Supreme Government, though I have discussed only a few important escheats in the main chapter, placing the rest in the Appendix to the Chapter. In these instances also, Clerk tried his best to enunciate and follow certain broad and rational principles which were in keeping with the British Government's anxiety to ensure that, as far as possible, no act of glaring injustice be committed in its name. It was this latter consideration which led to the complete restoration of the lapsed territory of Mustafabad and Baghat and to the partial return of Jind to their rulers.



Chapter V contains either quarrels between different co-parceners or disputes between the Cis-Sutlej princes and their feudal dependants. The latter had accepted their protection in troublous times, but were anxious to change it in favour of the British protection which was less onerous. The following lines from a despatch of Murray illustrate the attitude of Political Agents, including Clerk's.

"The general subject of interference in States and between Chief and vassal appears to me to be altogether a very anomalous business and the degrees of tenure are so numerous, it is scarcely possible to legislate on any determined and fundamental principles by which the rights and prerogatives of the Chief may be held inviolate and lands of all vassals who originally shared on the acquisition of the country, be secured to them so long as they maintain their fidelity to their head. The Chiefs under our protective guarantee no longer requiring military services of their vassals will be too apt to goad them to resistance by unjust and oppressive measures that they may cause a pretext for the satisfaction of their cupidity by the resumption of the vassalage lands."

I have related only a few such quarrels in the main body of this chapter, and have incorporated others in the corresponding Appendix. Clerk's work in this regard also cannot be over-looked. His despatches exhibit the thoroughness with which he discussed each case, as they reveal the factious spirit prevailing among the disputants. Two disputes are notorious—one between the Maharajkians and the Phulkia Chiefs and the other between the Pathan and the Sikh co-parceners in Indri. The impression that one gathers from Clerk's writings, relevant to this Chapter, is his love of fair play and keen anxiety to be judicious in all cases.

Chapter V contains the disputes between the Cis-Sutlej Chiefs and the British Government—the most famous being the dispute between Patiala and Government over Bhatti and Haryana frontiers. Here, as in other similar cases, Government tried to be very accommodating and willing to treat its opponent with great consideration. As Griffin writes: "... the policy of the British Government so far as the Sikhs are concerned has been uniformly liberal, enlightened, and just, that in no single

Instance has it abused its strength to oppress its weaker neighbours, but that on the contrary, it has taken less than its undoubted right and has decided disputed questions with a generosity and dis-interestedness which will be looked for in vain in the administration of any other country." In addition to such disputes, I have also dealt with the imposition of duties by the Chiefs and the attitude of Government towards this important problem. In this matter also Government was actuated by its desire to promote trade and it made energetic efforts to improve and systematise the methods of collecting customs-duties throughout the Cis-Sutlej area.

In Chapter VI I have discussed the problems of mal-administration of the Chiefs and the efforts made by Clerk to induce them to effect improvements. The Chiefs were often too indolent or apathetic to better their methods of governance with the result that Clerk's ire was often aroused. Then there was another problem to be faced——the disorderliness and lawlessness of the Akalis (the Immortals) who at times crossed the river to whet their appetite for plunder. The Chapter includes several references to the Sikh Contingent, stationed at Amba'a, under Clerk's control, consisting of quota of horsemen, contributed by the Chiefs.

This description in outline of the arrangement of this thesis does by no means exhaust the full scope of Clerk's correspondence. In addition to the letters referred to above, there are scores of others which speak of topics like construction of roads, bridges, and river-dams, clearing of forests, draining of marshes, making more equitable revenue settlements, bringing barren lands under cultivation improvement of trade, erection of bazars, and other useful buildings, etc —all descriptive of the manifold nature of the work of Clerk. These have not been discussed at any great length in this thesis as they fall out of my plan. They provide unmistakable evidence, however, that Clerk directed his attention not only to political problems such as affecting the Princes but also promoted the material well-being and prosperity of their subjects.

The volumes of records to which I have referred are 31, 32 and 34 to 39, 77 to 83, 88A and a number of other books containing vernacular or miscellaneous correspondence. Besides, I have also



consulted several volumes containing the correspondence of Ochterlony, Birch, Murray, Richmond and Broadfoot, as shown in the foot-notes. Among printed works, I have consulted Griffin's 'The Law of Inheritance to Chiefships,' 'The Rajas of the Punjab', and 'Chiefs and Families of Note in the Punjab'<sup>1</sup>, and of course the well-known and quite indispensable History of the Sikhs by J.D. Cunningham.<sup>2</sup> I have also read the Calcutta Reviews—especially Volumes I and II of the period from May to December 1844. William Edward's "Reminiscences of a Bengal Civilian," Goldsmid's "Biography of James Outram," Prinsep's "History of the Sikhs," and Steinbach's "The Punjab." But their use, especially of the four last-named, could very well be dispensed with, without materially affecting the results of my study.<sup>3</sup> There is a paucity of published works on this period. as I have already stated, and several aspects of the Punjab History continue to be obscure and confused. Many of the Cis-Sutlej Chiefs have died out or lost their pre-eminent position, and no body knows what has happened to their records. No research scholars in states like Patiala, Nabha and Jind have worked on this period or brought to light any records.

In short, the most important source of this thesis is Clerk's correspondence itself. At times written in very bad hand and in equally bad ink, with plenty of grammatical and spelling mistakes made

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1. Their years of publications are 1869, 1873, 1940 respectively.  
(The last has been corrected upto July 1, 1939).

2. I have used the edition published in 1853.

3. Besides, I have read several other published works but they, having proved of no great help to me, have not been mentioned by me.

by the copyists, with frequent omissions or illegible words, the correspondence of Clerk has had nevertheless a fascinating interest for me. As I have pored over these old, musty and worm-eaten pages of the bound volumes preserved in the Punjab Record Office, I have marvelled at the manifold aspects of Clerk's achievement—his industry, application and versatility. He might have had certain prejudices and wrong notions, might have committed a few errors—errors and prejudices are inseparable from human agency—but his moral uprightness, his passion for truth and above all his sincerity and good faith are only too apparent. He well believed that his work was righteous and that it would endure.

INDRA KRISHEN.

*January, 1952.*  
DYAL SINGH COLLEGE,  
KARNAL.

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1. On account of vagaries shown by them in spelling Proper Nouns, to be found in despatches, I have had no alternative but to adopt their modern spellings in extracts quoted by me.



### A. The Establishment of a British Agency at Ludhiana.

The establishment of a British Agency at Ludhiana was an inevitable corollary to the treaty of friendship signed between Maharaja Ranjit Singh and the Company's Government<sup>1</sup>. This important diplomatic transaction, otherwise known as the Treaty of Amritsar, was signed on April 25, 1809. According to its terms, the Sikh ruler had to renounce his sovereignty over all the "Sirhind Chiefs", i.e. the Sikh Chiefs existing towards the south and east of the river Sutlej and to confine himself and his ambitions to the regions, north and west of it.<sup>1</sup> Thus all chances of extension of Ranjit Singh's authority towards the river Jumna disappeared for ever. The Treaty of Amritsar, on the other hand, installed the Company's sovereignty over the Phulkian states of Patiala, Nabha, Jind and Kaithal, and dozens of petty Chieftains of varying degrees of importance—*Jagirdars*, *Pattidars* and *Misaldars*—collectively known as the Sirhind and Malwa Chiefs.

The most fruitful effect of the treaty was that it provided opportunities to the British Government to influence, at times, the policy of Ranjit Singh towards his neighbours, a fact which often exercised his patience. This is what happened in the matter of his relations with Sindh and Afghanistan, and Wade, the English Agent at Ludhiana, built much personal influence with Ranjit Singh to be able to moderate his designs against those powers. The Maharaja was made to realise his limitations, the inferiority in efficiency and training of his troops in terms of English standards and more particularly his much more circumscribed economic and financial resources. So con-

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1. Cunningham's "History of the Sikhs" p. 141.

See also, Calcutta Review, January-June 1846, pp. 364-66.

vinced he grew of these, that he hesitated and postponed until the end of his life any thought of fighting the English power, though he nourished deep-rooted suspicion and distrust of her diplomatic moves concerning the north-western regions. How he did not relish the terms of the Tripartite Treaty of 1838, which opened out to the English the prospect of establishing military out—posts at Kandhar, Ghazni, Kabul and Jallalabad, is well-known. Even then he had to join the English in the Afghan expedition or else he would have been left out.

In the matter of Sindh, Ranjit Singh did not abandon his designs until the very end, although the British thwarted him all along. At times he was so chagrined as to strengthen his forces with a spurt and possibly think of forming some sort of a mutually helpful alliance with Nepal, as is shown by the cordial reception given to the Nepalese Mission in 1837.<sup>1</sup> The measure of his resentment might

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1. The coming of the mission aroused great alarm in the mind of Wade, the English Agent at Ludhiana, who was afraid that other states might join the Lahore-Nepal Alliance and thus establish a balance of power against the British in India. Again, when the Maharaja was on his death-bed in June, 1839, an Agent arrived from the Raja of Bikaner.

There had been earlier Sikh-Gurkha intercourse also, for example Elliott writing to Murray on February 9, 1825 requested him to trace the party from Nepal which had been reported by the then Collector of Bareilly (B. N. 25, p. 89) and detain them, if possible (B. N. 25., L. N. 31). Again he wanted to find out whether Nepal and Lahore rulers were in the habit of keeping any diplomatic intercourse (B. N. 25, L. N. 68). He sent an extract of letter from the Political Secretary to Government to his address (p. 199). Wade also sent some news of the Nepalese mission to Murray giving the names of the Nepalese agents—Ganga Ram, Hardhian and Devi Das and the manner of their reception (B. N. 25., L. N. 74, April 17, 1825). Murray sent a reply on April 28, 1825, in which he declared that there had been no avowed diplomatic intercourse between the two courts since the expulsion of the Gurkhas from the Hills situated inter Gogra and Sutlej; whatever correspondence they might have kept might have been a secret one (B. N. 72., L. N. 341).



have shown itself more unequivocally, had he been alive at the time of the Kabul disaster of 1841, for in terms of the Treaty of 1809, the English had no right of interfering in his affairs in regions beyond the Sutlej.<sup>1</sup>

## B. History of the British Agency.

It was in April, 1810, that Colonel (afterwards Sir David) Ochterlony was appointed Agent to the Governor General at Ludhiana. He conducted his correspondence relating to the affairs of the Cis-Sutlej Chiefs with the Supreme Government at Calcutta through the Resident at Delhi.<sup>2</sup> In June 1810, Captain G. Birch was appointed as his Political Assistant. This shows that the new Agency developed a fair amount of political work practically from the time of its institution. Ochterlony was away on military duty during the Gurkha War, from October 1814 to June 1815 and during this period, Birch deputised for him at Ludhiana. On Ochterlony's resuming charge, his designation was clarified and altered as Superintendent of Political Affairs and Agent to the Governor-General in the Territories of the Protected Sikh and Hills Chiefs between the Jumna and the Sutlej. He was given another assistant in Lieutenant Ross. Birch was now stationed at Nahan and Ross at Sabathu.

In October 1815, the office at Ludhiana was transferred to Karnal where it remained until March 20, 1822, when it was transferred

1. All these facts show that his so called pro-British Policy was inspired by dread of their power and not by any genuine feeling of trust or goodwill as has been supposed by several writers.
2. The control over the Protected Sikh States transferred from the Resident at Delhi to Ochterlony (B. N. 16, L. N. 24, June 28, 1809).

From May 1, 1832, the Resident began to be called the Governor-General's Agent at Delhi and from June 25, 1835, the Agent to the Government of Agra, Delhi.

to Ambala.<sup>1</sup> A third Assistant, Lieutenant William Murray, was appointed in July 1815 and posted to Ludhiana in November 1816. His duties were to look after the Royal family of Kabul in exile there and also to be in charge of the Treasury and Police at that outpost. In Ochterlony's absence the three Assistants were to conduct the duties of the Agency directly through the Resident at Delhi. In December, 1816, Birch was transferred from Nahan to Karnal where he continued until September 16, 1821, and was then relieved by Ross.<sup>2</sup>

Ross was succeeded as Deputy Superintendent at Ambala by Murray on April 6, 1823. In turn, Murray was relieved by Lieutenant C. J. Wade at Ludhiana. The sub-agency at Sabathu was now held by Captain C. P. Kennedy, the Cammandant of the Nasiri Battalion who was styled as Principal Assistant to the Resident at Delhi.<sup>3</sup> The petty hill Chiefs were placed under his jurisdiction while the bigger hill states like Sirmur, Hindur and Bilaspur were under the supervision of Murray at

1. Ross informed Middleton that he had removed his office from Karnal to Ambala (B. N. 70, L. N. 110).

In November, 1821, Ross wrote to Swinton, Secretary to Government of India, suggesting the transfer of his office from Karnal to Ambala as the military and political control of the country between the Jumna and the Sutlej were not vested in one official. Ambala was chosen as an appropriate place being situated in a central place, and as it would lapse to Government at the death of its ruler, Sardarni Dya Kaur, who was ill and very old (B. N. 70, L. N. 74). The transfer was sanctioned. (Resident at Dalhi to Ross, January 16, 1822, B. N. 22, L. N. 5).

2. Birch to Ochterlony, September 16, 1821, B. N. 70, L. N. 40,

Ross to Ochterlony, September 16, 1821, B. N. 70, L. N. 44.

3. Ochterlony to Ross, October, 9 1821, B. N. 21, L. N. 161.

Ross to Murray, April 6, 1823, B. N. 23, L. N. 41.

Ross to Murray, April 6, 1823, B. N. 71, L. N. 77.

Ross to Fraser, April 6, 1823, B. N. 71, L. N. 78,



Ambala. From June 14, 1827, Murray began to be called as Political Agent, Ambala, while Wade was designated as Political Assistant, Ludhiana.<sup>1</sup> On October 27, 1827, Murray was relieved of the charge of Lahore dependencies but he continued to be in charge of the Protected Sikh States. The Lahore dependencies were entrusted to Wade, who conducted correspondence with the Supreme Government at Calcutta, through the Resident at Delhi.<sup>2</sup>

Further changes took place on the death of Murray at Sabathu on June 28, 1831. Mr. Ross Bell succeeded him temporarily until the appointment of Mr. George Russel Clerk on August 13, 1831.<sup>3</sup> In July 1832, Wade's designation was further changed from Political Assistant to Political Agent. In July 1838, Clerk was vested with the supervision of the affairs of Maharaja Ranjit Singh's Cis-Sutlej possessions in addition to his other duties while Wade was entrusted with the management of the British relations with Ranjit Singh

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1. Hislop to Murray, June 14, 1827, B. N. 27, L. N. 160.

Murray could not summon to Ambala the agent of Ranjit Singh at Ludhiana without the permission of Wade (Metcalf to Murray, November 4, 1826, B. N. 26, L. N. 234).

2. Trevelyan to Murray, October 27, 1827, B. N. 27, L. N. 260.

Murray was asked to communicate with Wade and carry into execution the arrangements sanctioned by Government in compliance with a desire expressed by Ranjit Singh for the separation of the jurisdictions of the Political Agents of Ambala and Ludhiana. Colebrooke informed Murray that the superintendence of the Political Agent, Ambala over the Protected States and that of the Political Assistant, Ludhiana over the Cis-Sutlej possessions of the Lahore State in future would be entirely separate (B. N. 27, L. N. 284).

- Prinsep to Bell, June 28, 1831, B. N. 31, L. N. 31.

Prinsep to Clerk, June 28, 1831, B. N. 31, L. N. 32.

Clerk to Resident, August 13, 1831, B. N. 77, L. N. 51

The post was offered to Clerk on June 28, 1831, but he took charge only on August 13, 1831. The salary offered was Rs. 2000/- per mensem (Swinton to Clerk, September 2, 1831, B. N. 31, L. N. 51).

*Continued on next page*

regarding the affairs of the Trans-Sutlej Punjab and his possessions beyond the Indus.<sup>1</sup> In March, 1840, Clerk was entrusted with the Agency at Ludhiana and given the designation of Agent to the Governor-General for the affairs of the Punjab ; this was further altered to Agent to the Governor-General, North West Frontier in the same year.<sup>2</sup> Clerk had held temporary charge of the Ludhiana Agency twice previously - once from December 1836 to April 1837 and a second time for about a year-from November 1838 to October 1839-during Wade's absence to Lahore and Afghanistan, respectively.<sup>3</sup> In March 1840, it was settled that in matters relating to the affairs of the Trans-Sutlej Punjab and the Court of Lahore, Clerk was to correspond with the Supreme Government, while the Control of the Cis-Sutlej principalities was vested in the Government of the North-West Frontier and concerning their affairs Clerk was to correspond with that Government.<sup>4</sup> In October, 1842, Clerk was appointed Envoy to the Court of Lahore and held that office until June 1843 when he was made Lieutenant Governor, North West Provinces. He was succeeded at Ludhiana by Lieutenant-Colonel A. F. Richmond, who assumed charge on June 21, 1843<sup>5</sup>.

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*Continued from page 5*

Clerk had also worked for some time in Delhi, as First Assistant, Residency for we have one letter from Murray addressed to him in that capacity (B. N. 75, L. N. 4, January 23, 1828). He himself refers to it in a letter to Fraser of August 18, 1834 (B. N. 83, L. N. 127). (He was in June 1831, the Political Agent at Kota in Rajputana, and a little earlier had acted as Agent at Jaipur).

1. Macnaghten to Clerk, July, 23, 1838, B. N. 38, L. N. 40.
2. Maddock to Clerk, March 16, 1840, B. N. 129, L. N. 1.
3. Clerk writing to Metcalfe on January 20, 1841, informed him of the new designation. He added that the office of Political Agent, Ambala, had been abolished and that place had become a Political Assistant-ship like Ludhiana and Ferozepur (B. N. 83, L. N. 168).
4. Clerk to Metcalfe, April 29, 1837, B. N. 83, L. N. 15.  
Clerk to Macnaghten, November 30, 1838, B. N. 104, L. N. 1.  
Torrens to Clerk, January 7, 1839, B. N. 123, L. N. 7.
5. Maddock to Clerk, March 16, 1840, B. N. 129, L. N. 1.  
Metcalfe to Clerk, May 13, 1840, B. N. 126, L. N. 86.
6. Clerk to Edwardes, June 21, 1843, B. N. 158, L. N. 62.

## C—Work of the Agency at Ambala.

As to the actual work of the Agency, the affairs of the Rajas and Chiefs in communication with the Agency kept the office staff very busy. Then there was the work of copying in, registering, making transcripts for despatch, taking down evidence and embodying voluminous proceedings held in cases occurring between the protected Sikhs.<sup>1</sup> There were also to be kept journals of daily proceedings which were required for the public to whose inspection they remained open at all times.<sup>2</sup> Weekly diaries had to be prepared for despatch to the Supreme Government to enable it to keep in touch with all important matters.<sup>3</sup> In reply to Government's complaint that Clerk did not send the diary, he stated: "The duties of this office are of such an extensive and complicated nature that it is difficult to find time for the diaries, and although I have each week undertaken them, I have hitherto failed in completing them, having been compelled to desist on finding the occupation of my time with it has occasioned heavy accumulations of the current business of this office."<sup>4</sup> Later, Clerk demanded the service of an Assistant for preparing diaries, as he did not like to

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1. Clerk to Fraser, August 16, 1834, B. N. 80, L. N. 126.

2. This work interrupted the other important duties of the writers and so he demanded the service of two or three more writers in Persian. He pointed out that he was not in favour of giving up this, as "this prompt publicity" diminished the "unauthorised sources of gain" which presented themselves to the natives employed in the Agency Office. This *Roznamcha* was at times a week or more in arrears, as the Persian Mutsaddis were very busy with other duties (B. N. 78, L. N. 58).

3. Macnaghten to Clerk, July 29, 1832, B. N. 32, L. N. 62.

Clerk to Macnaghten September 21, 1832, B. N. 78, L. N. 58.

Trevelyan to Clerk, June 19, 1834, B. N. 34, L. N. 40.

Clerk wrote that he had to prepare the diary himself, and to waste many hours that should have been devoted to "matters of more moment and to despatching the current business of the office."

4. Clerk to Fraser, April 30, 1833, B. N. 79, L. N. 25.

Clerk also observed: "I understand the instructions.....required me to do so. The record has been kept as regularly as I could keep it, but my time has hitherto proved insufficient for its translation.....I shall now make every exertion to prepare it."



be interrupted in discharge of his important duties.<sup>1</sup> Then there was work in connection with escheated lands called "The Reserved Lands," The annual revenue of such lands amounted to Rs. 1,80,000, and the people inhabiting them numbered 150,000. These were not contiguous and were surrounded on all sides by the lands of independent Sikh Sardars. They had long been neglected and needed much care and attention to ensure the welfare and protection of British subjects living on them.<sup>2</sup>

1. Clerk to Fraser, May 10, 1833, B. N. 79, L. N. 31.

One of the duties was connected with petitions which Clerk used to receive five days a week. In one day twenty to thirty petitions were received. Among the petitioners were many subjects of the protected Chiefs and such persons were referred to the rulers concerned; at times he introduced a very important petitioner to a ruler's *Vakil* or agent who usually lived at Ambala. Clerk observed: "Any other mode of proceeding.....would leave me no time to look to the concerns of our own subjects in this quarter or for the conduct of complicated affairs between protected Chiefs.....requiring attention and adjustment." (B. N. 79, L. N. 105).

Again in a letter of 1840, he wrote that his reception of applications and petitions was not limited to any particular time or place; a Mutsaddi used to sit at his door at all hours of day and night to receive them; even when he went for a ride. the Mutsaddi would accompany him ready to receive petitions. (B. N. 83, p. 227).

2. Clerk to Fraser, August 16, 1832. B. N. 80, L. N. 126.

The following was the establishment sanctioned in 1832 by Government for Clerk's office:—

1 English writer	...	...	Rs. 100	per mensem.
1 Persian Munshi	...	...	" 100	" "
1-Naib Munshi	...	...	" 30	" "
1 Gurmukhi writer	...	...	" 30	" "
1 Mohafis Dafter	...	...	" 25	" "
10 Ahalkar at Rs. 4 each	...	...	" 40	" "
1 Jamadar of Ahalkars	...	...	" 6	" "
Total;			331	" "

Swinton to Fraser, April 2, 1832, B. N. 32. p. 65.

Later on, he demanded larger establishment, as the work of his office had expanded. The greater number of cases that he had to hear, more strenuous revenue and police duties in Ambala and outside and the rising tide of insecurity of life and property in the neighbouring Sikh principalities necessitated this increase. Another cause was the extension of British control and the sub-division of the estates (B. N. 79, L. N. 126 and 170).



At the head of such an Agency, presided, almost for a full decade, George Russel Clerk, one of the ablest of the English administrators in India at the time. Historians and writers like Cunningham,<sup>1</sup> Henry Lawrence,<sup>2</sup> and Prinsep<sup>3</sup>—to mention only a few—have paid tribute to his diplomatic skill shown in his dealings with the Protected Princes. Herbert Edwardes thought he was “beyond doubt the most accomplished Indian diplomatist of his day.”<sup>4</sup> Low, the biographer of Pollock, called him a veteran statesman and the political father of Sir Henry Lawrence, Mackeson and others.<sup>5</sup> Lawrence styled him “the Preuxchevalier” or the gallant knight of the Civil Service.<sup>6</sup>

1. Cunningham says in a footnote:—“In the Sikh States on either side of the Sutlej, the British Government was long fortunate in being represented by such men as Captain Murray and Mr. Clerk—so different from one another and yet so useful to one common purpose of good for the English power. These men, by their personal character or influence added to the general reputation of their countrymen and they gave adaption and flexibility to the rigid unsympathising nature of a foreign and civilised supremacy .....” (p. 141).

Again he observed: “—independent of his general qualifications he was the person best suited to the requirements of the time—” (p. 233).

2. He said: “It was fortunate for British interests that at this period, Mr. George Russel Clerk was the British Political Agent for the Sikh affairs; a man of great energy and practical good sense, of unflinching courage and yet of most gentle and winning manners. He was just the person to manage the rude and boisterous Sikhs.....The pattern of an English gentleman himself, straight-forward and unbending in essentials, he knew, perhaps better than any other man in India, when and what to yield. He was always on the alert, seeing things with his own eyes...He kept the Sikhs to their engagements by combined firmness and urbanity.” *Calcutta Review*, Volume I (May-August 1844.) p. 476.
3. Prinsep, talking about Clerk calls him “a gentleman not only possessing talents and energy but practical good sense and though of unflinching firmness gentle, conciliating and winning in his manners” (*History of the Punjab* Volume 11, p. 201).

Major-General, Sir. H. Goldsmid in his biography of “James Outram” Volume 11, p. 247—48, pays a tribute to Clerk especially for the work he did to restore British prestige after the Afghan debacle.

4. Quoted by Low in his *Life and correspondence of Field-Marshal, Sir George Pollock* in a footnote on p.511.
5. *Ibid*
6. *Calcutta Review*, Volume 1 (May-August 1844) p. 476.

It is said that Clerk kept a large number of horses and his power of locomotion on horse-back proved one among many causes of his unbounded influence with the Sikh Chiefs and people under his political charge.<sup>1</sup> Some of the horses were kept ready at all hours; he would reach the scene of a dispute, before the disputants could get tidings of leaving his headquarters. His presence was often quite sufficient to prevent an impending boundary fight between neighbouring villagers. When they heard that Robin or white mare had been sent out a stage or two to wait for the 'Umbalawalla,' as the agent was universally called and would soon bring its master to the spot, they dared not proceed with their quarrel.<sup>2</sup> Alone he would ride for miles into the villages and fields and converse with the people and before they knew who he was, elicit information as to himself and his officials.<sup>3</sup> Small wonder, Clerk proved to be successful an Agent.

Not only was he a great political agent, but also a great administrator. He made an end of robbery and plunder prevailing in the regions administered by him. Land was reclaimed, and the portion of the country adjoining Karnal, Jind, Kaithal and Ladwa, which was once barren and unproductive, began to be cultivated.<sup>4</sup> He even introduced cotton and sugar and other remunerative crops. For this

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1. William Edwards; "Reminiscences of a Bengal Civilian"—p. 33-34.

He described how Clerk rode from Ambala to Mussourie to confer with Mr. Robertson, the Lieutenant Governor, N. W. P., over the Afghan problem towards the end of September 1841; he reached Mussourie in the morning and left the same evening for Ambala. Edwards also observed. "This was no unusual ride for Sir George".

2. *Ibid*, p. 33. As Edwards put it: "The Sikhs used to assert that he kept a hundred horses in his stables, of which some were always ready posted towards every quarter, so it was no use to attempt any disguises with him".
3. Calcutta Review, Volume II, October-December 1844-p. 191
4. Calcutta Review, Volume II, October-December 1844-p. 188 and 191.

purpose, he would make extensive tours and give out seed to all likely to benefit by it.<sup>1</sup>"

Clerk, therefore, was typical of the best type of English officers who have done so much to extend the benefits of their rule in this country. His work in connection with the Cis-Sutlej principalities is a memorable one. No other English Agent occupied this office for so long a period and with such conspicuous success. He worked hard to render his office worthy of the liberal ideals preached in England at the time. Deservedly popular with the princes and peasants alike, Clerk has left a great name for honesty, integrity and hard, useful work.

#### D—Cis-Sutlej States and the Supreme Government.

The Sutlej Chiefs were taken under the protection of the Company's Government according to the Treaty of Amritsar by an "*Ittilah-nama*" dated May 3, 1809.<sup>2</sup> This declaration became "the Charter of Rights to which the Chiefs have since looked and appealed for the settlement of all questions that have arisen between them and the British Government." Its important articles were:—

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1. Lawrence pays a tribute to Captain Murray who commenced "the reformation and reclamation" and says that he was "nobly followed up by Mr. Clerk". He gave the example of Ambala which was turned into a large walled town "with streets and bazars better laid out and better built than any town with which we are acquainted in Upper India". Similarly he compared the British half of Thanesar with the other half managed by the widows of Fateh Singh and added that in the country the contrast was much greater; the British Villages were "progressing in cultivation" while those of the Sardarnis "daily deteriorating." (*Ibid.*, p. 191 and 194).

At another place, he observed: "The protected states have been fortunate in their administrators Ross, Murray and Clerk, who successively managed the country."—*Calcutta Review*, May-August, 1844, p. 467.

2. Cunningham, p. 408, Appendix XXVI, and Griffin's footnote in "The Rajas of the Punjab" (p. 122) and "Chiefs and Families of Note, Volume I, p. 55. Also see, *Calcutta Review*, May-August, 1844, p. 469-70. In the *Calcutta Review* the date of the proclamations is given as May 3, 1809.

**Article 2.**

All the country of the Chiefs thus taken under protection shall be exempted from all pecuniary tribute to the Company's Government.

**Article 3.**

The Chiefs shall remain in the full exercise of the same rights and authority in their own possession which they enjoyed before passing under British protection.

**Article 4.**

Should a British force, on purpose of general welfare, be required to march through the country of the said Chiefs, it is necessary and incumbent that every Chief shall, within his own possessions, assist and furnish, to the full of his power, such force with supplies of grain and other necessaries which may be demanded.

**Article 5.**

Should an enemy approach from any quarter, for the purpose of conquering this country, friendship and mutual interest require that the Chiefs join the British Army with their force and exerting themselves in expelling the enemy, act under discipline and proper obedience.<sup>1</sup>

The Chiefs, now freed from the menace of Ranjit Singh's power, embarked on a course of quarrelling among themselves with a view to bringing about the absorption or destruction of the weak. This necessitated the issuing of a second proclamation on August 22, 1811, pointing out to the *Zemindars* and other subjects of the Sirhind Chiefs the futility of appealing to the British officers in complaints against their chiefs.<sup>2</sup> It further stated: ".....that several

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1. The rulers of Nabha, Nahan, Mani Majra, Malerkotla, etc. offered their services in the First Afghan War in pursuance of this clause (B. N. 38, L. N. 73, November 8, 1838).

2. The language is as follows:—"It may be impressed on the minds of every zemindar and other subject, that the attainment of justice is to be expected from their respective Chiefs only, that they may not in the smallest degree, swerve from the observation of subordination..." "Cunningham, 410, Appendix XXVII."



Sirdars since the last incursion of Raja Ranjit Singh, wrested the states of others and deprived them of their lawful possessions and that in the restoration they have used delays, until detachments of British army have been sent to effect restitution. It is, therefore, by order of the British Government, hereby proclaimed that if any one of the Sirdars or others have forcibly taken possession of the estates of others, or otherwise injured the lawful owners, it is necessary that—the revenues of the estate from the date of ejection of the lawful proprietor, together with whatever losses the inhabitants of that place may sustain from the march of troops, shall without scruple be demanded from the offending party and for disobedience of the present orders a penalty.....shall be levied<sup>1</sup>.....”

In this way it fell to the lot of the English Agents, from Ochterlony to Clerk, to take upon themselves the most difficult and tedious task of deciding intricate questions relating to aggression of certain Chiefs against others, disputes between the Chiefs and their dependents, quarrels concerning boundaries of different domains, disputes

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1. Cunningham, p. 410—11 Appendix XXVII.

On January 7, 1823, Rose reported to Fraser several instances of disorder in the protected Sikh states and raised the question of the degree of the interference to be exercised by the British Government. Fraser replied, as follows:—

“When we engaged upon their solicitation to defend the Cis-Sutlej states from foreign invasion; we did not bind ourselves to uphold violence and injustice nor did we preclude ourselves from preventing the Chiefs become cruel despots. Although we promised not to interfere vexatiously and capriciously in the internal arrangement of their Governments, the duty of protection involves a right of control, which we cannot abandon and must exercise. The British Government will not become the Abettor of cruelty and oppression, instead of being the protector of the weak and the promoter of order, virtue and justice. B. N. 71, L. N. 36.

over succession and inheritance and cases of escheat or lapse.<sup>1</sup> As these Chiefs paid no tribute to the Supreme Government, confiscation was resorted to, whenever expedient or convenient. In 1832 attempts were made to sound the Chiefs if they were agreeable to giving money tribute, but they were not willing to do so.<sup>2</sup> They were told plainly that, in case of non-payment of any tribute, Government would continue to take advantage of all lapses as the only mode of compensation in any degree for the expense to which it was subjected by extension of its protection over the countries lying between the Sutlej and the Jumna.<sup>3</sup> The Chiefs must have regretted not having accepted the reasonable proposal of Government when they saw a number of principalities including Kaithal and a part of Jind lapsing to it. Patiala and Nabha might have lapsed also but for the right of adoption conferred on their rulers after the Mutiny, because of their long tried loyalty and fidelity to the British Crown.

As to the criminal jurisdiction of these Chiefs, the British Government in their first proclamation had promised to respect the rights and authority exercised by them before

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1. For the general principles underlying the work of British functionaries, see Cunningham, p. 143-44 and the foot-note on p. 144-45. He pointed out how these officials, being immersed in details, at times held certain biased views but the Supreme Government always acted as a remote, deliberative or corrective body, as it could survey things through an atmosphere cleared of mists and judge of measures with reference both to the universal principles of justice and statesmanship.

Another writer wrote about them thus: " Possessed as they are of the views of the Supreme Government.....the political agents, though some times called upon to decide with promptitude upon the line of action to be pursued in a sudden emergency, are for the most part little more than an executive body. They are the representatives of the Governor General—the exponents of his opinions—the agents of his policy " (Calcutta Review, Volume VI, p. 312, January-June, 1847).

In reality, the Political Agents had a dual role to play—they symbolized Government in the eyes of the Princes and in turn represented those Princes before their own Government.

2. A fuller exposition of the point will be offered later in this work
3. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

they were received under their protection.<sup>1</sup> In the second Proclamation this right was once again confirmed in very clear terms. The zemindars and other subjects of the Chiefs were warned not to make complaints to British officials against their rulers as no attention would be paid to such complaints. Specific examples were quoted when the British officers did not interfere in the Judicial rights of the Chiefs. The subjects of the Chiefs were told "that the attainment of justice is to be expected from their respective Chiefs" and that "complaint to the officers of the British Government will be of no avail, and that they consider their respective Sirdars as the source of justice.<sup>2</sup>....."

Another problem was the capture of criminals who fled from British territory and took refuge in the domains of the Chiefs. Mr. Turner, the magistrate at Seharanpur, wrote to Clerk, soliciting his help in the capture of certain criminals who had escaped into the neighbouring states. Clerk, in reply, admitted<sup>3</sup> that the Chiefs had

1. Article 3 of the Proclamation : Cunningham, p. 408, Appendix XXVI.

Later on, the power of life and death was taken away from the hands of small Chiefs. In 1844, Richmond reported that the Chief of Shahabad had executed a man without a fair trial and so the Court of Directors ruled that this power should not be left with petty Chiefs.

Richmond to Thornton, May 7, 1844, B. N. 159, L. N. 67.

Thornton to Broadfoot, August 5, 1845, B. N. 136, L. N. 44, and despatch of the Court of Directors, Extract Para 1748, No. 20 of 1845, May 21, 1845.

2. Cunningham, Appendix XXVII, p. 410.

Clerk to Turner, June 9, 1832, B. N. 78, L. N. 116.

He wrote: "The subjoined article of the proclamation of the Supreme Government to the Southern Sikhs in 1809 and again in 1811, securing to the latter the exercise of that jurisdiction and of those privileges previously exercised and enjoyed by them, is that which, I apprehend, must be considered as absolving them for any such obligation as that of delivering up whomsoever it may appear to us indispensable to the ends of justice, to be caused to be apprehended and punished."

The Court of Directors also made certain observations on the subject of surrender of fugitives. According to them, this requisition ought to

*Continued on next page*

perfect right in granting shelter to such people or even in refusing to punish them, though he was confident that they would help the British authorities in such matters and refuse to harbour such offenders or to allow them to wander unrestricted in their own territories. But Clerk did not like the tone of Turner's requisition as it was calculated to create obstacles rather than to secure a continuance of the willing and prompt co-operation from the Sikh authorities to achieve that end.

The view that the Chiefs were not bound to surrender the British criminals, Clerk re-iterated in another letter to Turner making clear, however, that the obligations which these Princes owed to the British Government were perfectly well understood and acknowledged by them. That was why he could always count on their good will and co-operation. Clerk went on to declare that he received from the Chiefs most willing co-operation, provided he did not injure their feelings by any preemptory correspondence. He also added that all interference in their internal affairs was to be scrupulously avoided as it proved not only vexatious and offensive but also degrading to them. In conclusion, Clerk remarked:<sup>1</sup> "—the attainment of the ends we have in view is best secured by maintaining or creating in them a sense of their own respectability...and when a native Chief in the situation of these Sikhs becomes ost to all sense of respectability, the consequences are harsh measures and in most cases very unsatisfactory results."

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*Continued from page 15*

be confined to the case of heinous offences such as murder, highway robberies, etc. and they were of the view that "the feelings of particular native Government, the character of its institutions and the general equity or oppressiveness of its rule may often require to be adverted to in the determination of such questions".

Further in regard to the interference of the British Government in civil cases, it was pointed out by them "that the complainant must be left to seek justice from the legitimate superior of the party against whom his claim is preferred unless that party be resident or possess property within our territories."

B. N. 38, p. 44—45, Extract from the letter No. 19 of 1835, dated May 27, 1835, of the Court of Directors.

1. Clerk to Turner, June 24, 1832. B N. 78, L. N. 121.



With respect to the delivery of subjects of the Chiefs, guilty of breaking a British law, Clerk quoted a resolution of the Governor-General in Council, dated October 24, 1824, which ran as follows:—

“.....The Governor-General is led to believe that the Sikh Chieftains claim to have generally exercised the right of punishing their own subjects, guilty of committing offences within the limits of a foreign jurisdiction.<sup>2</sup> When inhabitants of these states, therefore, commit crimes within the Delhy district and escape back to their own country, application should be made to their Chiefs or Government to inflict punishment as well as to make restitution to the injured party.”

In a letter of 1843<sup>3</sup> to Mansel, Junior Secretary at Calcutta, Clerk discussed the position of British subjects committing crimes in the Indian States under his political control and remarked: “I always desire that parties being British subjects in general, who transgress the laws of any independent state connected with us should be apprehended, convicted and punished by that state; but the Chiefs, some time apprehensive of their authority or the degree of its exercise being afterwards called in question and at others averse to being burdened with the maintenance of such prisoners, are reluctant to try or to punish them. It therefore devolves on me to do so. But I do not on this account deliver to them criminals, being their subjects who commit offences in the territories of the British Government under my management. These I try and convict.....This I do so by right: the other I do, because some body must check crime.....”

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1. Clerk to Tur er, June 24, 1832, B. N. 78, L. N. 121.
  2. Clerk remarked: “Direct jurisdiction in criminal cases occurring in the territory of a Protected Chief is not properly speaking vested in my office.”—B. N. 83, L. N. 174.
  3. Clerk to Mansel, February 18, 1843, B. N. 158, L. N. 21.

But that was not the only problem which Clerk had to face. There were certain Chiefs who connived at crimes or did not punish the offenders. What was the duty of the British Government in such cases? According to Clerk, "When there is a want of vigilance on the part of a Chief to check crime, it is the duty of a paramount state to notice his neglect" and to see that no such miscarriage of justice should go unpunished.<sup>1</sup>

A particular atrocious murder was reported by Clerk. Mussammat Bhagan, the daughter-in-law of Dya Singh, the Chief of Junkore or Tangaur, was murdered with the connivance of her father-in-law and Lal Singh, her deceased husband's brother. Lal Singh had wished to marry her but she had refused to accept him. The servants of Lal Singh were responsible for this heinous offence. Clerk recommended that Lal Singh should be disinherited and expelled from the state while Dya Singh was to lose his share of the estate except a small village for his maintenance. The estates were to escheat to the British Government.<sup>2</sup> In 1841, two Sardars of Shahabad, Ranjit Singh and Sher Singh, were accused of forging a partition-deed. The former was fined Rs. 10,000 and the latter Rs. 5,000.<sup>3</sup>

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1. Clerk to Thomason, June 8, 1841, B. N. 83, L. N. 174.

2. *Ibid.*, and Griffin: "Chiefs and families of Note in the Punjab", Volume I, p. 44—The villages were given to Lal Singh's son Harnam Singh on whose death in 1844, Lal Singh was reinstated. Even earlier, Clerk had spoken of Dya Singh's estate as "most ill-managed" and accused him of associating with most lawless characters, B. N. 80, L. N. 109.

Another such murder was committed by Partap Singh, Chief of Buddul, of his mother Man Kanwar, for which offence he was transported for life—(B. N. 152, L. N. 13 and B. N. 132, L. N. 6).

3. Clerk to Thomason, June 23, 1841, B. N. 83, L. N. 176.

Thomason to Clerk, July 24, 1841, B. N. 123, L. N. 118.

Thomason to Clerk, February 25, 1843, B. N. 132, L. N. 24, and Extract Paras 62 and 63 of a despatch from the Court of Directors, No. 30 of 1842, December 30, B. N. 132, p. 39.

Otherwise also, the Shahabad Sardars did not enjoy any good reputation.

See B. N. 77, L. N. 98, B. N. 34, L. N. 94 and 96, B. N. 80, L. N. 197 and 214, B. N. 81, L. N. 11 and 116, B. N. 82, L. N. 45, and B. N. 35, L. N. 29, 39 and 70.

A word may be said about the criminal jurisdiction of the Pattidars or Jagirdars. Every Pattidar was his own Magistrate or Collector as far as his own internal arrangements were concerned.<sup>1</sup> Some Pattidars were very small; others were quite important. They were often suspected of sheltering robbers and other desperadoes from the British territory. Many of the British officials regarded the dependent Pattees of the Reserved Estates (escheated estates) as under their judicial control, whereas the Pattidars would not give up their judicial rights. This led to unpleasantness between the Pattidars and the local British officials. The whole position grew so confusing that Clerk had to ask for clarification.<sup>2</sup> Ultimately the Pattidars were deprived of their magisterial powers and only entrusted with the management of their revenues.<sup>3</sup>

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1. Calcutta Review, Volume II, October-December, 1844, p. 192.
  2. Clerk to Fraser, December 13, 1834, B. N. 80, L. N. 229.
  3. About the jurisdiction exercised by the British authorities in the Pattis, Clerk remarked: "The jurisdiction—has been of a very anomalous description. Disputes among the Sikh sharers are referred to this office for adjustment—opinions are asked and precedents sought of the headmen of the Puttee in which the disputed claim arises—The Sarkardas or leading men in the Puttees, who may be constituted the referees by the Political Agent may occasionally be misled in their decisions—but after all the case is brought back again by petition to be heard and argued in his presence and if not so satisfied—the parties appeal to Delhi...But in Police matters within these Puttees, a direct jurisdiction has not hitherto been practised. The power has been assumed of taking cognizance of heinous offences but the punishment of the offenders has been relinquished to the Putteedars...In short the inhabitants of the Puttees have not been considered or treated as British subjects." B. N. 80, L. N. 135, August 21, 1834.

Again in his letter of December 10, Clerk informed Fraser that strict injunctions had been given to the pattidars to prevent greater punishment being inflicted than a crime should require and suggested the following plan in order to check the abuse of power by them: "... Organised as these putteedars are, each asserting his rights of independence in relation to his co-sharer and

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Talking of the *Pattidars* of Ambala, Clerk stated that the Revenue and Police of the *Puttees*, though not so directly managed as the police and Revenue of the lapsed Chiefships, were subject to his control.<sup>1</sup> If any serious complaint of mal-administration or oppression was preferred by the *Zemindars*, the political Agent had full discretion to intervene and adjust their differences. To the *Pattidars* it was left to take cognizance of misdemeanours and minor offences but even such cases came before the political Agent in the form of appeals.<sup>2</sup>

### E—The Cis-Sutlej chiefs and the Moghal Ruler.

The question of the attitude of the British Government towards the Moghal ruler in relation to Cis-Sutlej Chiefs came in for review in the time of Clerk. The Governors General used to show all outward marks of respect to the Moghal ruler at Delhi.<sup>3</sup> He was also in receipt of an allowance since the days of Clive. In course of time, there had been a steady diminution of that royal power

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in many instances reduced by the minute sub-division of their property to a pittance...I think...that of looking to them for a system of laws...is hopeless. The only proper alternative seems to be to extend over these subordinate *Puttees* the criminal laws now in force in the Government lands, leaving the management of the revenues of the lands of the *Puttees* as hitherto in the hands of the *Putteedars*." B. N. 80, L. N. 229. In January 1835, Government did what Clerk had suggested; the criminal laws, enforced by Government, were extended over the *Pattis* and the management of the revenues was left to the *Pattidars*. Fraser to Clerk, January 1835, B. N. 31, L. N. 7, and Macsween to Fraser, January 3, 1835, B. N. 35, p. 27. See also Calcutta Review, Volume II, October-December, 1844, p. 192.

1. Clerk to Fraser, October 27, 1834, B. N. 80, L. N. 187.

Clerk had a very poor opinion of these *Pattidars*. See B. N. 82, L. N. 36.

2. B. N. 80, L. N. 187.

3. There are two letters addressed by Lord Auckland in which the Moghal ruler is addressed as His Majesty—B. N. 37, p. 304, July 31, 1837.

B. N. 37, p. 351, October 11, 1837.

4. Clerk to Fraser, June 7, 1832, B. N. 78, L. N. 29.



In 1813 the offering of certain ceremonial presents by the higher British officials had been stopped. In spite of his shadowy authority, the Moghal ruler was treated with great respect by the rulers of Indian States. The Sikh States of Sirhind were no exception to this rule. It appears that Clerk did not approve of "the marks of allegiance to the pageant throne of Delhi, that still continue to be habitually tendered by our protected Sikh Allies."<sup>1</sup> In support of his view he addressed a lengthy despatch to Government saying that the subject was deserving of some importance. He could very well understand the Hindu States of Rajputana showing marks of respect on account of their recollection of the fame, they acquired for fidelity, high courage and other noble qualities while they owed fealty to the emperor. But the Sikh Chiefs, who had risen to power upon the decline of the Moghals, could not be influenced by such noble sentiments. Moreover, as Clerk so aptly put it:—"They owe entirely to the protection of the British Government that permanency and security of their conquest that they now enjoy. It seems, therefore, still more preposterous that these allies of the Supreme Government should in the present day be squandering their resources in cultivating the goodwill of the Ministers and purchasing the favours that continue to be dispensed from the debris of the Mussalman Takht."<sup>1</sup> The ruler too no longer felt at ease about such missions. They themselves thought such relations with the Delhi ruler incompatible with their obligations to the British Government as was apparent from the secrecy observed in regard to each mission and their disclaiming their agents or Vakil whenever questioned as to the nature of their employment at Delhi. Clerk did not suspect any sinister motive in the missions of the agents which was due to a mis-conceived idea, engineered by the agents themselves, that it added dignity to the rulers. In this connection, he remarked "The terms on which they have been admitted to British protection leave them ample means and ample leisure to listen to prosecute any safe measure which their less apathetic agents suggest as calculated to add dignity to their employers, while it proves a source of profit to themselves. As answering both these purposes their agents look in the first instance

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1. Clerk to Fraser, June 7, 1832, B. N. 78, L. N. 29.

to representing their masters at the Residency and in the next what they still deem the more distinguished honour of representing them at the Court of the King." The Moghal ruler and his ministers encouraged the attendance of these men, as their stay was a source of income to them.<sup>1</sup> The result was that every important Sikh Chief was represented by an Agent at Delhi in the Court of the King.<sup>2</sup> Clerk called the conduct of Sikh chief as very unmeaning and inconsequent, and reiterated the view that acquiescence in such a system of double ties appeared incompatible "with our present position towards the native princes in Upper India." He appealed to the Supreme Government to assert that supremacy in the exercise of which it had so long supplanted the Moghals, as any hesitation or reluctance on the part of the British Government might be misconstrued by the chiefs.

This important despatch was referred by the Governor-General's Agent at Delhi to the Governor-General-in-Council, who, in turn, referred it to the Vice-President in Council who made the following observations.<sup>3</sup> :—

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1. Clerk wrote : "..... accordingly Raja Sahan Lall's is the office to which these agents address themselves in the full confidence of their negotiations.....being readily entered upon without their being referred back in the first instance to the authority to whose supremacy and protection they may be said, to be indebted for every thing they possess."

Clerk to Fraser' June 7, 1832, B. N. 78, L. N. 29.

2. Clerk wrote : "The frequent changes that have of late years taken place in the exercise of the chief authority at Delhi have been favourable to the introduction of a system one of the results of which is to throw affairs of every substantive Chiefship in these protected states into the hands of Mussalman agents at Delhi. The latter having gained this footing it accords not less with their loyalty than with their reputation and interests, to be considered as representative of their employer, if not in the presence of His Majesty, at least at the Court of his Minister,"

*Ibid*

3. Fraser to Clerk, August 27, 1832, B. N. 32, L. N. 68, and Chief Secretary to the Government, to Secretary to Governor-General, July 30, 1832, B. N. 22, p. 238-39.

".....the court of His Majesty should be confined to his own officers and dependents and that it would be very inexpedient to sanction the attempted innovation on the part of the King or his servants to receive the Vakeels of the Native Chiefs without reference to the Governor-General's agent under whose cognizance and through whose medium all intercourse between the palace..... and the representative of foreign powers to be conducted as formerly under the Resident, His Honour in Council sees no objection to the introduction with discretion of the agent of any Vakeels to His Majesty who may apply to the agent to be presented by him to the King on suitable occasions of public ceremony. On such occasions the Vakeels of foreign states and dependent Chiefs, if disposed to attend, may with propriety, accompany the British representative in his Suite. Such was formerly the practice but an unrestricted intercourse with the palace used not to be permitted and although it may seem a matter of insignificance, the Vice-President in Council would not recommend its being sanctioned."

This despatch did not settle the matter as Clerk wished, because many Cis-Sutlej Chiefs continued their contact with the

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1. Fraser to Clerk, August 27, 1832, B. N. 32, L. N. 68.

In reality, how pitiable was the condition of Moghal royal line was illustrated by an incident. A Moghal prince Mirza Jalal-Ud-din, wandered from one Chief to another in the Sirhind, collecting fifty or hundred rupees from every Chief. He reported to Clerk an outrage committed upon him and his followers by a Sikh Chief, Sodhi Didar Singh at the village Mirnova. On inquiry, Clerk found that there had been a quarrel between the Shahzada's Muslim sepoys and the Sikhs in the service of the Sodhi as the Sikh Quilladar had refused to present any Nazzar to the Prince, who threatened to lodge a report against the

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Moghal Court at Delhi. That was perhaps inevitable as long as the Emperor was maintained in authority..... however nominal it might be..... by British Government itself.

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Sodhi with the Governor-General's Agent at Delhi. The Shahzada would have been satisfied with a hundred rupees but the Sodhi refused to pay even this much, being guided in the matter by Clerk

Clerk to Fraser, June 23, 1852. B. N. 78, L. N. 26,



## CHAPTER II.

### Laws of Inheritance and Succession among the Cis Sutlej Sikhs.

The Sikhs had no fixed or uniform laws of succession when they came in contact with the English. Each Sikh family followed largely or tried to follow certain rules or methods as suited its purpose. Sometimes, it followed a particular rule which it ignored or rejected at another time, if it went against its interests. Thus the English found among the Sikhs the existence of a very wide variety of rules and principles of inheritance.<sup>1</sup> Being most of them originally Hindus, the ultimate basis of their private laws must have been the code of Manu and the principles enunciated by other Hindu law-givers.<sup>2</sup> But these had definitely been modified in varying degrees by local needs and circumstances and the deviations had come in course of time to be hardened into customs and usages.

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1. Murray, the predecessor of Clerk, made the following important observations:—

“The rules of succession to landed property are arbitrary and ambiguous and are variously modified in accordance to the usages interests and prejudices of different families. Any attempt to innovate and extract a regular system of Jurisprudence from that which is itself anomalous and irreducible to fixed and established principles might justly be considered an assumption of authority and a violation of prescriptive and acknowledged exercise of power. Prior to the era of our connection with these states, there existed no right but the sword no usage but the will of the strong.” (B. N. 74, L. N. 217, January 10, 1838).

2. Many English officials like Metcalfe and Fraser were willing to be guided by the Hindu laws of inheritance and succession. But Murray and Clerk were opposed to this idea.

Traditionally, there are two broad divisions of the Sikh community—The Manjha and Malwa Sikhs. The former are the descendants of those who had settled in the region to the north of the river Sutlej, in the neighbourhood of Lahore and Amritsar and the latter are those whose ancestors inhabited that part of the Indian plains which stretch from the Sutlej towards the east upto the river Jumna.<sup>1</sup> The greatest head of the Manjha Sikhs was Maharaja Ranjit Singh, who in turn had risen at the cost of several Missaldars, whose principalities or estates had developed during the eighteenth century in the Trans-Sutlej regions but were absorbed by him in the beginnings of the next century into his Sikh Kingdom. The leaders of the Malwa Sikhs, on the other hand, were the more ancient, though much less powerful princely houses of Patiala, Nabha, Jind, Kaithal and others. The territories of Patiala were the largest among all the Malwa Chiefs.

No regular or systematic laws of inheritance and succession could grow among the Manjha Sikhs<sup>2</sup> whose earlier leaders, together with their principalities, known as the Missals, passed under the authority of Ranjit Singh after brief spells of independent existence. The succession to these Chiefships, therefore, came to depend on the autocratic will or caprice of

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1. Murray pointed out the distinction thus :—

“The former are so termed from the tract situated inter-Rāvee-it-Beeas from which they originally came and extended their conquests through the Punjab and into Chakla Sirhind, being of a Military and feudatory character.”

The Malwa Chieftains were Chiefs of Patiala, Jind, Nabha, Kaithal. (B. N. 74, L. N. 217, January 10, 1828).

2. Steinbach points out the distinction between the Manjha and Malwa Sikhs in matters of succession (The Punjaub, p. 79.80). On the other hand, Lawrence was of the view that there was no real difference in customs like division of estates, succession of widows, right of adoption, etc. between the two. (B. N. 88A, p. 333—36).

the Sikh monarch.<sup>1</sup> Often the inheritance of a large estate went to a particular individual or Sardar not in pursuance of any regulated principle but because the Maharaja willed it so. Thus "the laws of succession were practically swept away before they had time to crystallize into their natural form."

We have for such historical reasons to turn to the Malwa Sikhs for the understanding of inheritance and succession practised among the Sikhs.<sup>2</sup> Clerk mentions at least five discernible stages in the growth of customary rules among the Malwa Sikhs.<sup>3</sup> First, as Jat immigrants, wandering from the westwards and settling in the jungle near Bhatinda; secondly, when they had established themselves in a few villages and

1. As the writer of the article, 'Recent History of the Punjab' ..... Henry Lawrence — observed :— "Many of the Sunnuds..... are worded as if for perpetuity; but the words "*Nusl aur Nusl* and "*Pusht ba Pusht*"..... are translated instead of "from generation to generation" as meaning "at the monarch's pleasure during his life."

Calcutta Review, May-August, 1844, p. 471.

Elsewhere also, he pointed out the difference in the attitude of Maharaja Ranjit Singh and that of the British Government in the matter of succession to the estates.

*Ibid.* October-December. 1844. p. 196.

2. According to Murray the succession among the Manjha Sikhs was either "*Bhaibund*" or "*Ohoondabund*". The first meant an equal division among all brothers with an extra share for the eldest as the "*Kharach Sardari*"; but the second meant an equal division among mothers, irrespective of their sons. When a Manjha Sikh died without a male issue, his brothers or nephews assumed the right of succession while the widows were equally competent to inherit. On failure of brothers and nephews, an equal division of the estate was made among surviving widows. (B. N. 74, L. N. 217).

Steinbach reproduces the canons enunciated by Murray.....in fact, he seems to have plagiarised even Murray's language. See "*The Punjab*" p. 79-80.

3. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.

become the *Malguzars* (payers of revenue) of the Imperial Treasury; thirdly, after they had become the followers of the Sikh faith and on the decline of the Moghal Empire, thrown off their allegiance to Delhi; fourthly, when they availed themselves of the protection of the British Government in order to save themselves from the clutches of the greatest of the *Manjha* rulers; and lastly, during their feudatory relationship with the English Government from 1809 onwards. It was during the fifth stage only that they had the condition of the greatest degree of peace prevailing among them. It was, therefore, during this period that the rules of succession became to a certain degree uniform and fixed.<sup>1</sup>

1. Clerk's successor, Richmond, pointed out how indefinite the laws of succession had been and desired Government to frame certain rules; so he wrote:— "It would be impossible to frame any one simple rule from precedents, for these show a difference among families and also a difference at various periods in the same family. The descent to collateral heirs is involved in equal doubt; the rights of a nephew or of a cousin.....have some times been admitted without reference to the State of affairs in 1808 when these principalities were received under our protection.....In practice the strongest and ablest member of any family—mother or widow—son or brother (elder or younger) nephew or cousins—legitimate or illegitimate, took in former times all or as much as each might be able to take—while the weaker were reduced to penury or to a mere maintenance or went elsewhere to seek their fortune

Such are the only family rules the chiefs can refer to and quote as precedents and such must even be the rules in times of revolution and prolonged commotion. As a chief becomes powerful he reduces the others to insignificance and establishes as Law his will guided by his interest. Ranjeet Singh did this and conferred and confiscated as he pleased, but if a civilised power becomes paramount and establishes a dominion that will endure, it seems necessary for the sake of order and good government that some fair and intelligible rules of succession to estates should be devised.....some rules of succession might be formed which would satisfy the chiefs of these states.....we have given them a place and a name as Princes in a great empire, and it would seem that we should be able to interfere in settling the succession to what we have been the means of conferring." B. N. 88A, L. N. 94, February 15, 1844.

Clerk had himself referred to this confusion about the succession in a letter dated September 3, 1831. thus :—

"In some of these *Surdarees*, when certain rules of succession have prevailed uninterruptedly for a long period, the mediation of their differences are of course to be readily determined according to their own prescriptive rights.

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It was the duty of the English agents in charge of the Cis Sutlej affairs, to enunciate and interpret these rules which, it must be said, they did, on the whole, in a fair and fearless manner. In the Malwa lands Clerk administered such rules for full eleven years on behalf of the Supreme Government,<sup>1</sup> and except in a few cases, his advice was always accepted, which indisputably shows his intimate and sound grasp of them. In fact, one is struck by his uncanny intelligence, and unerring judgment in countless cases of disputed succession. A few cases illustrative of different aspects of the subject of succession, will be treated in the following pages.

The customary practice of succession, among the Malwa Chiefships was equal division of property among the sons.<sup>2</sup> This was surely a

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But the instances of any such having obtained are confined to very few families. In others where something like a fixed rule of succession had once been enjoyed, present inheritors are ashamed to confess that it descended on them through the destruction of acknowledged rights in times of anarchy, violence and outrage. But the greater part have no guide whatever for the settlement of these differences beyond the expectation which each has of being enabled to adduce a former decision of the British Government favourable to his view." B. N. 77, L. N. 31.

1. Lawrence in his Report on Kaithal pays a tribute to Clerk and Murray thus: ".....Mr. Clerk too was not only well acquainted with the Sikh rule and practice but had large experience at the fountain head of their law... in Jeypore and other old Hindoo states. Both these gentlemen were naturally disposed to take part with the weaker side and to put a liberal construction on doubtful questions." (B. N. 88A, p. 338).
2. Murray had observed: "Of these of Malwa, I have only to observe that the right of primo-geniture in the males is respected and jagheers or grants of land assigned for the support of younger sons, by which the many inconveniences attending the division and sub-division of land ad infinitum is obviated." (B. N. 74, L. N. 217).

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reproduction of the Hindu Law of succession to private property to which all sons have an equal claim. It should here be noted that primo-geniture-i. e. the rule by which the entire real estate of the intestate passes to the eldest son to the exclusion of the younger brothers—which prevailed among the Medieval Aristocracy of several European countries, was practically unknown among the Sikhs, except in the case of succession to the rulerships of Patiala, Nabha and Jind. Even in these states its application created doubts which were due to the fact that the rulers of these Houses themselves had created much confusion, sometimes by declaring in favour of equal division and at other times in favour of primo-geniture.

Clerk even in his time felt the necessity of inviting the opinion of the rulers of Patiala, Kaithal, Nabha and Baidpur concerning the dispute about the Jind succession,<sup>1</sup> so complicated indeed

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But this was rather a sweeping generalisation. Steinbach too wrongly says that "amongst the Malwa Singhs primo-geniture in the males are respected and Jageers...are assigned for the maintenance of the younger sons..." (p. 81). In reality the rule of primo-geniture was prevalent among the three Pothoharian Chiefships only. He however, rightly points out the evils of sub-division thus :-

"The inconvenience and evil, ..of succession and minute sub-division, of landed property, aggravated by the system of co-possession, are seen felt and acknowledged and the mischief of such a system cannot be too soon remedied." (p. 80).

Clerk himself was alive to these evils, as is clear by the following remarks:—

"A superior degree of facility and efficiency in the superintendence and control of these states would no doubt result from pursuing a system opposed to the division and sub-division of the estates.....This might be gradually effected by deciding all patrimonial contests with some regard to the rights of primo-geniture...." B. N. 77, L. N. 61.

<sup>1</sup> Clerk to Metcalfe, November 30. 1836, B. N. 82, L. N. 180.

did he find it. They unequivocally declared that both in the Phulkian and the Bhaikian Houses, the uniform practice was that the eldest son always succeeded to the whole estate, with the exceptions of small portions set apart for the maintenance of the younger children. But, as Clerk points out, the very same Chiefs, in a dispute between Badrukan and Bazidpur in 1816, had declared to Ochterloney, that the custom of the two houses and generally of the lesser Phulkian families prescribed an equal partition of inheritance between brothers. Another case, cited by Clerk, was that of Kunwar Ajit Singh, second son of Raja Sahib Singh of Patiala. On a reference this case was judged by the Phulkian Chiefs in favour of the Kunwar who, in their opinion was unquestionably entitled to partition of all the ancestral state of his father according to the custom of the protected Sikh states in general and that of Phulkian houses in particular.<sup>1</sup> Of

1. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.

Griffin shows how the five sons of Gurbaksh Singh, the founder of the Kaithal house, divided their father's estate equally. — "The Laws of Inheritance to Chiefship," (p. 15)

According to Lawrence, the rule of primo-geniture was invented by the rulers of Patiala, Nabha, Jind and Kaithal who also declared in favour of the exclusion of widows and assigned the right of reversion to the eldest collateral in order to save their estates from escheat. He put the whole problem thus: —

"Every chief is inclined to pick out that portion of the Hindu law of inheritance that would suit his purpose...an impartial judgment therefore in their own case can scarcely be now obtained from the purest and wisest Sikhs and confused as is the record of the past, it must be the foundation of our proceedings for the future, if we desire to frame a Sikh (not a Hindu) law of inheritance, both for sovereignties and for private estates, all have originally been the first, some have split and sunk into the last.

Much of the confusion that has arisen has been caused by our having been unprepared to work." (B. N. 88A, p. 336 and 35).

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course, the Patiala ruler did not accept the above opinion and after some time the aforesaid Chiefs themselves changed their opinions. Some addressed letters to the Resident (August 28, '82) that their former statement was based on the request of Kunwar Ajit Singh adding that their customs prescribed the devolution of Estates on the elder son, with provision (Guzara) to the other sons at the pleasure of the heir.

In reality, neither the Phulkian nor the Bhaikian families followed any consistent policy.<sup>1</sup> Only in the three principal Phulkian House, the inheritance was maintained as a whole, while in the lesser families, partition was the rule. Clerk rightly observes that their practice would be found to have conformed neither to the one nor the other of these doctrines in all cases of disputed succession in which, Nabha or Patiala acted as arbitrator, the decisions appeared to have been guided by no fixed or rigid rules. Clerk quoted the following cases :—(a) On the death of Bir Singh of Badour, his possessions were given to his three sons in equal proportion, with the exception of a superior share awarded to the elder son. At the death of the elder son, without any male heir the superior share was awarded by the ruler of Patiala to the elder son of the next brother ;

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Richmond, Clerk's successor, has the following observations to make :—

" A rule practically... mis-understood, was devised for the Chiefships of Patiala, Nabha, Kaithal, and Jind. This rule excludes females and devolves the power entirely on one person. This principle is recognised by the Hindu Chiefs of Manni Majra, of Ramgarh...and by the Sikh Chief of Ladwa.. It is fully recognised by the Mohammadan ruler of Bahawalpur—it is partially recognised by the Mohammadan Chief of Kunjpura...and perhaps by one or two more. But all other chiefs affect to consider their possession as private property only.....and divide their lands among their sons." (B. N. 88A, L. N. 14, February 15, 1844). (Richmond gave the example of Singhpuria district comprising seven Chiefs in place of one, while Shahabad was under three big and six small Chiefs).

1. Lawrence remarked : "... the fact being, that the Sikhs have neither rule nor custom that can be referred to as the unchanged or undisputed guide of any branch of their community." (B. N. 88A, p. 336).



(b) Mohan Singh of Badour had three sons. At his death, these divided the estate equally, but the superior share was given to the second son, Samand Singh. (c) On the death of Dalel Singh of Malod the elder son was given two-thirds of the estate while the younger received one-third only. At first the parties dis-approved of it, but later on being jealous of the interference of Patiala accepted the proportion of partition.<sup>1</sup>

Murray, before Clerk, had declared in his report that the laws of inheritance among the Sikhs were externally arbitrary, especially previous to their connection with the British.<sup>2</sup> This was correct, because sword alone at that time had decided disputed successions. Since that period, the protected States had to devise rules to meet cases as they arose. Murray had pointed out that the Malwa or Phulkian Sikhs observed primo-geniture. But this statement required some qualification, and as Clerk indicated that out of the nine families.....Patiala, Nabha, Jind, Malod, Badour, Bir, Badrukian, Bazidpur and Dayalpoora .....only the first three had accepted the principle of primo-geniture and preserved themselves entire, while the remaining six had followed pristine law of equal partition among sons.<sup>3</sup> Clerk observed. "The only exceptions among the latter occur in instances where the Patiala authorities having been referred to as umpires, have decided arbitrarily some times assigning a larger share to a second son, some times a younger.....but on every one of these occasions, regarding the estate as partible." Finally, Clerk contended that these exceptions only proved that the family usage of the Phulkians was of

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1. Griffin points out that Dalel Singh had inherited his father's estate in the same proportion. (The Law of Inheritance to Chiefships—p. 13).

2. Murray was discussing the question of succession of Prem Kaur to the Thanesar Estate. His remarks have already been quoted earlier.

3. Clerk to Metcalfe, November 30, 1836, B. N. 32, L. N. 180.

equal partition and gave the example of Badour and Malod ; under this principle, the first had been divided into several Chiefships, the second into two. That was also true of the Bhaikian Chiefship of Kaithal, which was a Malwa Chiefship.

What was the attitude of the British Government in disputed cases of succession ? It wanted the English Agents to adhere to the established custom of each family, so as to avoid hardship and injustice to various claimants. Martin sent the following extract :<sup>1</sup> 'The Vice-President in Council is unable to suggest any better general rule for the regulation of succession and inheritance than that of following the established custom of each family or where that is not clear of adopting such arrangement as may seem to be most equitable.....In some families of the Sikh Chiefs custom prescribes the succession of one as head of the family to the entire territory and principality with a mere provision for Junior members. In others, the territory or estate is divided into shares among the sons, with some superiority in favour of one as the Chief. In either of these cases the Vice-President in Council is of opinion that it would be injustice to alter the established custom by adopting one or the other as an universal rule.'<sup>2</sup>

1. Martin to Clerk, January 4, 1832, B. N. 32. L. N. 3.

Martin sent two letters : one addressed to Secretary Prinsep by Chief Secretary Swinton (p. 16-17, November 18, 1831), and the second to his address by Prinsep (p. 18-20, December 31, 1831). The above extract is taken from the first letter.

2. This was also the view of the Court of Directors. After remarking, that all questions relating to succession and inheritance appeared to be involved in great confusion it went on to say : " It is impossible to lay down any other principles than that of following as far as it can be ascertained the custom of each particular family or tribe or whenever this is uncertain adopting the rule which may appear to ourselves recommended by the strongest considerations of expediency " ... B. N. 128, L. N. 76, extract from the Court of Directors, dated July 29, No. 27 of 1840.

In view of the extreme complexity of the problem no other course was possible.

In the days of Clerk, the following were some of the estates partitioned among brothers :—

**1. Estate of Leelokheri.** Rattan Singh of Leelokheri died leaving two sons..... Mehtab Singh and Nirbhaya Singh. He left a will in which he gave to the younger son a share double of the elder.<sup>1</sup> Clerk refused to accept the will, arguing that Rattan Singh had inherited his estate and not acquired it, and recommended equal shares, for the brothers. Fraser, the Governor General's Agent at Delhi, objected and suggested its division into two parts .....Leelokheri and Beerthul: the former was to be held by the elder brother and the latter by the younger. This was done to diminish chances of quarrel between the brothers.<sup>2</sup> Clerk objected to this mode of partition, emphasising the inequality of the two shares.<sup>3</sup> Nirbhai Singh did not want to return Beerthul to his elder brother, as suggested by Clerk. At last Clerk asked one of the brothers to make two lots and allow the other brother to make his choice. Mehtab Singh wanted Nirbhai Singh to act in this manner, but Clerk required the elder brother to do so. On further

1. Clerk to Fraser, April 10, 1832, B. N. 78, L. N. 17.

The partition of Leelokheri had been first arranged by the Chief of Ladwa, the feudal overlord, in equal proportion between the two brothers later on, the Ladwa Sirdar wanted to give a bigger share to the younger brother...a proposal to which Clerk did not agree...and quoted a will of their father. Clerk had his doubts of the will too

Fraser thought that a large share could not be given to the elder son out of such a small estate, and observed ; " I adhere therefore, to the Hindoo Law of equal shares to brothers and you will of course ascertain the common annual receipts of the three villages in making final arrangements." B. N. 32, L. N. 34.

2. Fraser to Clerk, August 10, 1832, B. N. 32, L. N. 84.

3. Clerk to Fraser, August 24, 1832, B. N. 78, L. N. 53.

inquiry, Fraser found that the area of Beerthul was 12500 Bighas while that of Leelokheri was 7500. He directed Clerk to give 2500 Bighas out of the Beerthul leands to the elder brother so that both might have 10,000 Bighas each, or to divide the estate in a way as to equalise the income of the two brothers. He thus also managed to keep the two parties resident in separate villages.<sup>1</sup>

2. **The Estate of Ram Singh of Ludran.** Ram Singh of Ludran died in 1830 leaving two sons ; Sahib Singh and Kishan Singh by one wife and Bishan Singh from another (married to him by "*Chaddar—dalna*" rites).<sup>2</sup> Bell, the immediate predecessor of Clerk had recommended that Bishan Singh should get half of his father's property. But the Nabha Raja, who was asked to make the division wanted to give something more in Sardari to the eldest, Sahib Singh. Clerk agreed to give Rs. 300 a year more to him but Nabha Raja gave him a village worth Rs. 500 a year. Fraser did not agree to this unequal division and directed Clerk to make equal division of half the estate between Sahib Singh and Kishan Singh and give the other half to Bishan Singh,<sup>3</sup> thus confirming Bell's proposition.

The ruler of Nabha renewed Sahib Singh's claim with an amendment, which Clerk also recommended as being more equitable and likely to lead to better management of the estate.<sup>4</sup> This brought a spirited reply from Fraser who questioned the right of the Nabha

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1. Fraser to Clerk, September 22, 1831, B. N. 32, L. N. 76.

2. Clerk to Fraser, August 5, 1833, B. N. 79, L. N. 66.

3. Fraser to Clerk, March 20, 1834, B. N. 34, L. N. 24.

4. Clerk to Fraser, June 14, 1834, B. N. 80, L. N. 73.



ruler to interfere in the affairs of the Ludran estate and refused to refer the question to Government.<sup>1</sup>

3. The estate of Badrukian. After the death of Bassawa Singh his two sons.....Sukha Singh and Bhagwan Singh.....divided the estate equally between themselves. In 1816, a similar dispute had occurred between Bassawa Singh and his brother Karam Singh; and on reference, the Chiefs of Patiala, Nabha and Kitthal, had declared for an equal division among the brothers. Ochterloney had passed an order confirming that decision.<sup>2</sup>

The Raja of Jind had promised to settle the dispute in question amicably but he gave no attention to the claims of Bhagwan Singh, the younger brother. Rather, he wanted to secure a Sardari for Sukha Singh. Bhagwan Singh petitioned Government, praying that "there is no probability of his recovering his rights from Sukha Singh through the means of Raja of Jind."<sup>3</sup>

In 1837, Sukha Singh complained of the interference of Raja Sarup Singh of Jind in a dispute between him and his younger brother. As Sarup Singh and Sukha Singh had been claimants to the Jind rulership, the latter accused the former of being hostile

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1. Fraser to Clerk October 9, 1834, B. N. 34 L. N. 63

In regard to Clerk's two arguments of equity and better management, Fraser replied that it might be more equitable but it would not be just to give more share to Sahib Singh as it was against law. If the estate was badly damaged, it would mean loss to the parties concerned. Fraser finally added: "It was our business to administer justice uninfluenced by the recommendadion or wishes of individuals."

2. Clerk to Fraser, October 23, 1834, B. N. 80, L. N. 184.

Griffin wrongly gives the date as 1815—"The law of inheritance to Chiefships (p. 14)."

3. The Raja of Jind was Sangat Singh, but he died in November 1834.

towards him. Clerk admitted the bias of Sarup Singh for Bhagwan Singh but thought there was little scope for exercising it. That was why he had asked Sarup Singh to arrange an amicable settlement. Finally the two brothers were awarded equal shares.<sup>1</sup>

4. **The estate of Vazir Singh Sham Singhia.** Vazir Singh died in 1839 leaving three sons.....Kaushal Singh from one wife and Sooba Singh and Jeevan Singh from another. In 1833, Clerk had made an equal partition between Vazir Singh and his three sons, reserving a Sardari for Vazir Singh. There were now two claimants to the Sardari.....the eldest Sooba Singh and Khushal Singh. The latter also produced an alleged deed of gift from his father. Clerk settled that the whole estate, including the lapsed Sardari should be divided equally among the three brothers.<sup>2</sup>

5. **The Estate of Nand Singh of Kamanu Misal.** Nand Singh of Kamanu Misal died in 1828. His widow Man Kunwar first made a complaint to the Chief of Patiala, claiming that she should be allowed to succeed to the estate instead of Natha Singh and Bhup Singh—the

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1. Clerk to Metcalfe, August 4, 1837, B. N. 83, L. N. 36.

Metcalfe asked Clerk in his despatch of August 10, 1837, that he should satisfy himself of a strict adherence on the part of the Raja to his strict instructions and added that Sukha Singh expressed any dissatisfaction with Clerk's decision. He would call for the file of the case. (B. N. 37, p. 237.) Metcalfe did call for the file, as on November 20, 1838, he informed Clerk that the appeal of Sukha Singh against his decision had been dismissed B. N. 38, p. 367.

2. Clerk to Metcalfe, January 22, 1841, B. N. 83, L. N. 169.

two brothers of the deceased Chief.<sup>1</sup> The brothers contended that the widow could only succeed if she remarried into her husbands' family. Clerk observed that this was "only an expedient for the amalgamation of rival pretensions and it may be argued that, generally speaking, the widow has little reliance on the validity of hers or she would not so overcome the repugnance which on many accounts—she feels at such a connection in order to obtain food and clothing."

1. It seemed that Metcalfe and Clerk had not agreed about the decision of the as the former referred it to the Supreme Government. He also discussed it throughly. Karam Singh had divided his 10 Horse share thus : 4 to Natha Singh, 3 to Khushal Singh and 3 to Nand Singh. On the death of the last, his widow succeeded conjointly with her mother-in-law and remained in possession for ten years when she was dispossessed by Natha Singh and Khushal Singh. The case was referred by Clerk to Patiala with the consent of the brothers but against the wishes of the widow. The ruler of Patiala divided the property in three equal parts, first to the widow, second to her mother-in-law and third to the brothers. The reasons put forward by Metcalfe for not agreeing to the decision were :—

- (1) The widow protested against Patiala's acting as umpire.

- (2) The Raja of Patiala did not possess any right of supremacy "either by inheritance or prescription" over the Kamanu Sikhs but had begun to be consulted.

- (3) Because the Raja had not adduced any satisfactory proof in support of his assertion that by the usages of the family the widow of Nand Singh was only entitled to maintenance.

- (4) Because the Raja assigned only one Horse share and his decision was not based upon established law or precedents.

- (5) Clerk's view was not borne out by facts.

- (6) Clerk's view that no special usages exist in the Kamann Minal was wrong.

- (7) Because it was unjust to deprive the widow of her right.

- (8) Because the widow was permitted subsequent to the award of Patiala Chief, to substantiate her right by evidence. (B. N. 38, L. N. 92 and B. N. 38, p. 422-24).

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Metcalfe had desired that the case should be decided according to the Hindu Law.<sup>1</sup> To this Clerk was opposed as it would prove embarrassing were the Supreme Government to resolve Sikh Cases of Inheritance according to the Hindu Shastra. He further observed : " Its admission by the authority of the Supreme Government would cause many to insist on it when it suited their interest while others again could never be induced to abide by it. Thus we should have made no progress towards a uniformity of judgment. On the contrary, greater confusion might result from the vain hopes thus excited." Clerk quoted many instances in which parties of rank and influence had protested against the appli-

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In reply, Clerk added that Metcalfe had been led to a misapprehension of the connection between Patiala and Kamanu Sikhs. Patiala's Supremacy had been established and was of some standing. They had been first subjected to Patiala by Ochterlony in 1815 on account of their divisions. Thus the objections 1 and 2 raised by Metcalfe were not proper. As regards objections No. 3 to 6 of Metcalfe, Clerk added that succession was regulated by no fixed rule ; about objections 7, 8 and 9, Clerk wrote that the widow, Man Kunwar had appealed to Patiala in 1832 or 1833 four years after her husband's death ; the delay was caused by the fact that a year or two might be supposed to elapse during which the widow abstained from the discussion of worldly affairs and that some time might have been taken in the attempt to persuade her to be united to her brother-in-law (B. N. 83, L. N. 110).

- I. Metcalfe had observed : " I am well aware that the Shaster is not acknowledged in the Sikhs as authority for their guidance yet in the absence of any well-established custom, we cannot, I presume, be far wrong in following the tenets of a religion most assimilating their own and to which I have known the Sikhs themselves refer when favourable to their interests." (B. N. 38, L. N. 92.).



cation of Hindu Law.<sup>1</sup> Finally, he expressed the view that the widows should be granted an adequate maintenance while the two brothers should be allowed to succeed equally to the inheritance of Nand Singh.<sup>2</sup>

6. **The Estate of Gajja Singh of Kamanu Misal.** Gajja Singh left two sons——Chet Singh and Fateh Singh——by one wife and five sons and a daughter by another. The former two claimed to inherit by "Chunda Bund"——by which equal portion devolved to the family of each widow without reference to the number of their off-spring. The latter five claimed to inherit according to 'Bhai-bund' or equal shares to all sons without reference to mothers.<sup>3</sup>

Their over-lord, the Patiala ruler, referred the case to the arbitration of two of their relations, namely Dya Kunwar, their aunt and Kushal Singh of the same Missal. The arbitrators partitioned the estate into eight equal parts, a half-share and a well of land. Gurmukh Singh, being the eldest, was given an additional share; half share was given to his step-mother (mother of Chet Singh and Fateh Singh) and the well of land to the sister. On the ruler consulting Clerk as to the merits of the case, the latter declared that the decision was just if the custom of the family to the inheritance was "Bhai-bund", he also enquired of Gurmukh Singh, to whom the superior share as 'Sardari' had been assigned, was the eldest. The Raja replied that there was no fixed law of inheritance among the Kamanu Sikhs and that Gurmukh

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1. Clerk had already expressed his opinion in the case of Sarup Singh of Jind where he had remarked that it would be a mistake to adopt the principles of Hindu Law in the matter of succession. (B. N. 82, L. N. 44, March 23, 1836).

Clerk quoted cases in which formal protests had been lodged by important people. There were: Nand Kunwar versus Gulab Singh; Amar Singh versus brothers; Bhim Singh versus Dharmu, and Prem Kunwar versus Jamiyat Singh.

2. Clerk to Maddock, March 16, 1839, B. N. 83, L. N. 110.

That was perhaps the final decision of the case, as there is no further mention of it.

Singh was the eldest; moreover, as he declared, the arbitration had been accepted by all and it was no use disturbing the arrangement. Later on however, the estate was almost equally divided.<sup>1</sup>

I now turn to the problem of succession on failure of male heirs. Ordinarily and according to the Sikh law, the estate should have gone to the widow or widows of the deceased Chief. But in actual practice it was not always so. Government was not in favour of female succession, as it led to various other complications.<sup>2</sup> The Resident drew Clerk's attention to the following observations of the Vice-President in Council<sup>3</sup>: —

"In some families widows succeed in preference to collateral male heirs—in others it has not been customary to allow the succession of widows. Of all the customs which exist among the Sikhs on this point, the succession of widows is the one which is most desirable to abolish. But even this, where it is clearly established, it would, the Vice-President in Council conceives, be unjust to set aside; although in any doubtful case it would be expedient to do so". Notwithstanding this, however, no rigid rules were laid down. For example, when Sardar Budh Singh, Chief of Bullae and Ahmedpur, died his two widows

1. Clerk to Metcalfe, November 24, 1840, B. N. 83, L. N. 167.

The sister died and the Patiala ruler divided the estate into eight equal parts; seven were given to the seven brothers, while the eighth was divided between Gurmukh Singh and his step-mother; the Raja was of the view that an entire share was too much to be assigned in 'Sardari' out of so small an estate. So the estate was almost equally divided except for a slightly bigger share to Gurmukh Singh.

2. Clerk himself had spoken of the evil results of such female succession in his letter of September 3, 1831, when discussing the claim to the inheritance of the estate of Kharak Singh of Shahabad (B. N. 77, L. N. 61).

3. Martin to Clerk, January 4, 1832, L. N. 3.

were allowed to hold his estate until the whole would devolve on the survivor.<sup>1</sup> They were given two alternatives by the Resident; either they could hold it jointly, the survivor succeeding to the whole estate or the estate be equally divided between them but the survivor could not succeed to the other portion at the death of the holder.<sup>2</sup> They chose the former alternative and were placed in joint possession of the estate by Clerk,<sup>3</sup> at the orders of Government, the Governor-General declaring that he had no desire to disturb or interfere with this law of succession.<sup>4</sup>

The estate of Thanesar exhibits two cases contradictory in nature. After the death of Punjab Singh in 1823, his nephew Jamiyat Singh succeeded in preference to the claim of the widow Prem Kaur. When Jamiyat Singh died in 1831 without children, even then she put forward her claim, but it was rejected.<sup>5</sup> The senior widow of Jamiyat Singh was pregnant; she was delivered of a still-born child. Clerk recommended the escheat of the state, with provision for Jamiyat Sidgh's

1. Clerk to Martin, September 18, 1831, B. N. 77, L. N. 67.

Clerk to Martin, January 26, 1832, B. N. 78, L. N. 6.

The question was complicated as the Chiefship was subordinate to that of Thanesar and Jamiyat Singh claimed the estate as an escheat. Prinsep wrote to Martin, after referring to the orders passed in 1815 by Government, that the Governor-General concurred with his views that the two villages of Ahmedpur and Ballae had been separated from Thanesar as "an independent and hereditary possession for Sardar Boodh Singh" (B. N. 32, p. 12-13).

2. Martin to Clerk, January 4, 1832, B. N. 32, L. N. 2.

3. Clerk to Martin, January 26, 1832, B. N. 78, L. N. 8.

4. Martin to Clerk, January 4, 1832, B. N. 32, L. N. 2.

Prinsep to Martin, December 31, 1831, B. N. 32, p. 12-13.

Prinsep quoted the case of Buria in which the widows had been allowed to succeed.

5. Clerk to Martin, January 8, 1832, B. N. 78, L. N. 3.



widows and those of his predecessors who were still alive.<sup>1</sup> But in the bigger estate of Thanesar, the estate of Bhanga Singh, a widow was allowed to succeed. She was none other than Mai Jian, the widow of Bhanga Singh. Bhanga Singh had left a son Fateh Singh who died in 1819 leaving two widows Chand Kunwar and Roop Kunwar.<sup>2</sup> Mai Jian was put in charge of the estate on account of the youth of her daughters-in-law. Later on, with the sanction of Government, Chand Kunwar was placed in the management by her mother-in-law who died in 1836. After her death Chand Kunwar and Roop Kunwar, were allowed to manage the estate jointly.<sup>3</sup>

Another case of a widow succeeding to the estate is illustrated by the estate of Gudouli. After the death of Ram Singh the estate passed into the hands of his widow Sant Kunwar. Later on she was ejected on account of her bad character and her estate lapsed to the British Government.<sup>4</sup>

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1. Clerk to Fraser, May 14, 1832, B. N. 78, L. N. 23.
  2. Clerk to Martin, December 1, 1831, B. N. 77, L. N. 114.
  3. Clerk to Metcalfe, June 18, 1836, B. N. 82, L. N. 105.
  4. Clerk to Thomason, January 27, 1841, B. N. 83, p. 289.

A well-known case was of the widows of Bhagwan Singh of Buria. His estate was divided on his death in 1813 between his two widows, Dya Kunwar and Rani Sukhan. Dya Kunwar died in 1828 and her share lapsed to Government.

Birch to Ochterlony, B. N. 65, L. N. 80, and  
Ochterlony to Birch, B. N. 21, L. N. 57, and 59.

Another case of widow succession was also to be found in the Buria estate. Sardar Jaimal Singh, owner of three-fifths of the estate, died in 1817. It was at first given to his brother, Gulab Singh, but later on his widow, Nand Kunwar, appealing against the decision, got the estate (B. N. 19, L. N. 88, and B. N. 75, L. N. 96).



In order to minimise the evils of female succession, the Sikhs had recourse to a custom by which a widow married a brother of the

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Similarly the estate of Rai Singh of Shahabad was divided between his two widows — Sulakhan and Gauran, All these cases occurred before Clerk's time.

Clerk to Fraser, October 26, 1833, B. N. 79. L. N. 120.

Murray had cited the following cases in which the widows had succeeded to Chiefships on failure of male issue and of brothers and nephews of their husbands :—

1. Ambala. Sardarni Dya Kaur succeeded to her husband Gurbaksh Singh in the Chiefship.
2. Bilaspur. Dya Kaur succeeded her husband Sher Singh in the Chiefship.
3. Lashkar Khan. Sardarnis Warai, Bhagan and Raisa succeeded Mohar Singh Nishanwala.
4. Tira. Sardarni Dharmu succeeded to her husband Sangat Singh.
5. Palchappan. Sardarni Jausa succeeded her husband Bhag Singh.
6. Chilloundi. Sardarnis Raj Kaur and Ram Kaur succeeded their husband Bhagel Singh.
7. Mustafabad. Gauran succeeded to her husband Mehtab Singh.
8. Thanesar. Mai Jian succeeded her son Fateh Singh.
9. Radaur. Ind Kunwar succeeded her husband Duleha Singh, as he left only an illegitimate nephew.
10. Buria and Jagadhari. Dya Kaur and Sukhan succeeded Sardar Bhagwan Singh, their husband (cited by Clerk also).
11. Buria. Nand Kaur, widow of Jaimal Singh succeeded to her husband's estate in preference to Gulab Singh, half brother of Jaimal Singh. (cited by Clerk also).
12. Dhanaura. Raj Kaur, Hukam Kaur and Sukka succeeded their husband Sudda Singh who divided it among them during his life-time. The first died in 1824 and was succeeded by Sahib Singh, the nephew of Sudda Singh.

Murray to Colebrooke, January 10, 1828, B. N. 74.

L. N. 217.

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deceased husband. Thus that brother could succeed to the estate. The brother generally selected was the one younger to the deceased husband. This custom was known as the 'Karewa' or 'Chaddar-Dalna'. This type of marriage was recognised as lawful among the Jat Sikhs and the off-spring of such union was considered competent to inherit his father's property.<sup>1</sup>

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There is one case in which a woman is appointed as the Regent for a minor. Kahan Singh of Shahabad died leaving a minor son, five years' old. Clerk appointed Mai Rup Kunwar, the mother of Kahan Singh and grand-mother of the minor as regent.

Clerk to Metcalfe, August 19, 1836, B. N. 92, L. N. 138.

Metcalfe to Clerk, September 26, B. N. 36, L. N. 84.

Clerk to Metcalfe, November 19, 1836, B. N. 82, L. N. 170.

1. Murray states : " Two forms of Hymenal connection obtain among the Jat families—the Beeah or Shadi contracted in juvenile years and the 'Kureiwa' or 'Chuddar Dalna' at an advanced period of life, generally with the widow of a deceased brother; the first is considered more honourable but the Kureiwa by no means precludes the succession of the issue to landed and personal property." (B. N. 75, L. N. 226).

Even, as regards this form of marriage, the usage among the Sikhs was not very clear—for example, the Court of Directors in a despatch dated July 18, 1838, observed : " The answers to the various Sikh Chiefs to the queries circulated among them on the subject of Kureiwa marriage are conclusive as to the validity of that ceremony when performed with a woman, standing in certain degrees of relationship by the Chief and in many of the Sikh families even with a woman entirely unconnected with the family, but on the last point the answers are not so uniform as on the first and the usage of different families would appear to differ." The Court further desired that more information should be required from the Chiefs (B. N. 39, L. N. 4).

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Several instances prove this fact. The case of Bishan Singh of Ladran is quite typical. His father had married his mother by 'Chaddar-Dalna' rites and had two other sons from another wife. Bishan Singh was given half of his father's property, in spite of the efforts of Raja of Nabha, who wanted to give him less. The Resident declared that the 'Chaddar-Dalna' was a fundamental law of the Sikhs that could not be ignored.<sup>1</sup>

The 'Karewa' marriage was not in vogue among the Sikhs who were origioally Brahmins or Kashatriyas.<sup>2</sup> No body can deny

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Clerk pointed out personally to the Chiefs the defects of their answers "where they seemed not sufficiently explicit" but "the tendency of their replies in conversation...has been to exhibit their inability to be more explicit in their explanations of a law of inheritance." B. N. 83, L. N. 116.

So the Governor General wrote to the Court of Directors that it had been found impracticable to obtain more explicit information respecting the usages of the Sikhs with reference to this form of marriage. The Court admitted that this question which like almost all questions connected with the inheritance among the Sikhs appear to be involved in great confusion by varying usage...".

Thomason to Clerk B. N. 128, L. N. 76, and an extract of a letter No. 27 (para 31) dated July 29, 1840, from the Court of Directors.

1. Clerk to Fraser, August 5, 1833, B. N. 79, L. N. 66.

Fraser to Clerk, March 20 1834, B. N. 34, L. N. 24.

Fraser to Clerk, October 9, 1834, B. N. 34, L. N. 63

2. Among the caste Hindus, we do not hear of such marriages. As Clerk says "this practice was held in contempt by all but a few of the impure castes of Hindus" B. N. 78, L. N. 61.

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certain advantages of the 'Karewa'. In a period of turmoil and disorder, the alliance between a brother-in-law and a sister-in-law

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Murray stated that Karewa was prevalent among all the states except Kaithal where widows were set aside in favour of the brothers of the deceased Chief, if he died without male issue. He thus explained the utility of this form of marriage:—

" This practice assimilates both with the Hindoo and Livitical laws and serves as a counter-active to the many evils attendant upon female rule ; it further obviates the dishonour entailed upon Chieftains by the irregularities of young widows in possession of power, wealth and authority.

.....if the free will of the widows were consulted, it is scarcely to be doubted that she would have preferred the yoke of rule and charms of liberty to the attention of sacrificing her claim to her brother-in-law ... Custom, necessity and not choice must have led them to yield to the adoption of an usage which must often prove repugnant to their natures and disgusting to their feelings.

.....Upon the most diligent and careful inquiry, I have failed to discover any precedent of a widow living independent and at the same time holding the landed property of her deceased husband to the prejudice of a full brother or nephew of his."

Further, he described it to be a ceremony by which the eldest surviving brother of the deceased placed a white robe on the widow and made her his wife. In a letter to the Resident, he quoted the following cases of Karewa :—

1. Patiala.

Amar Singh threw the sheet over the widow of his brother Himamat Singh who died without heirs.

2. Nabha.

Hamir Singh threw the sheet over the widow of his heirless brother Kapur Singh and took all the landed property and also his private one. Raja Jaswant Singh of Nabha was the issue of that 'Karewa'.

*Continued on next page.*



saved an estate from partition<sup>1</sup> and fragmentation.

Sometimes a widow should not agree to remarry. What was to be done in that case? The best solution was to grant a provision to the widow and allow the brother to succeed to the contested

*Continued from page 48*

3. Thanesar : Gulab Singh threw the sheet over Rattan Kunwar, the widow of Mehtab Singh, his elder brother and secured the Chiefship.
4. Jind : Gajpat Singh threw the sheet over the widow of his brother Alam Singh.
5. Mustafabad : Mehtab Singh threw the sheet over Gauran, widow of his brother Mirza Singh ; after the death of Mehtab Singh, Gauran was put in possession of Mustafabad.
6. Ladwa : Gurdit Singh, the father of Sardar Ajit Singh of Ladwa, threw the sheet over the widow of his elder brother Sahib Singh and obtained the Chiefship.
7. Lashkar Khan Ki Sarai : Mohan Singh threw the sheet over the widow of his elder brother Anup Singh and obtained the Chiefship.
8. Shahid : Gulab Singh threw the sheet over the widow of his brother Mehtab Singh and took his landed property.
9. Kung : Hari Singh threw the sheet over the widow of his elder brother Beer Singh and took the property.
10. Fyzallapoor : S. Budh Singh threw the sheet over the widow of his brother Sudh Singh and had a numerous family by the widow.

Murray to Colebrooke, January 10, 1828, B. N. 74, L. N. 217,

1. As Clerk observed, "In fact it seems difficult to account for that frequent recourse which first families among these Chiefs are observed to have had to a practice ... otherwise than in the circumstances of its affording ... but a more pacific mode than that of determination by the sword, of wresting the widow that which the law has adjudged to her." (B.N.77, L.N.61)

estate.<sup>1</sup> This actually happened in the Shahabad case, which is discussed below.<sup>2</sup>

Kharak Singh, a share-holder in Shahabad estate, died without issue, leaving two widows and an estate worth Rs. 6000 a year. The first widow claimed to inherit the whole estate, with the exception of a provision for the second widow, Sher Singh, the elder and full brother of Kharak Singh, wanted to marry her by 'Karewa' rite and thus inherit the estate. Clerk admitted that differences of such nature were arranged by the male claimant marrying his deceased brother's widow but said that she had the right of exercising her discretion in the matter. In this case the widow was unwilling to re-marry because she looked upon Sher Singh, who was just like a father to her with feelings of respect.

Clerk referred to the report of Murray, dated January 10 1828, in which he had considered the prevailing practice of succession to landed property among the Sikhs, and had pointed out the evils of female succession, though he had also admitted the absence of any fully developed rule to guide Government. Clerk also was of the same belief and he appealed to Government to be more consistent in such cases.

The resident wrote back, quoting a letter from the Secretary to the Governor-General: "The Governor-General in Council concurs with you in opinion that the best mode of settling the dispute .....will be to recur to the practice of Kureiwa or Chuddar Dalna,

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1. Government had declared its wishes as follows:— "When the right of 'Chadderdalna' is vested in the brother of the deceased Chief, the right of succession may be considered to be virtually vested in the same individual and if the widow be averse from the connection, the ceremony of the sheet may well be dispensed with, the widow receiving a suitable provision and being in widowhood instead of being married to her husband's brother". B. N. 32, p.18.

2. Clerk to Martin, September 3, 1831. B.N. 77, L. N. 61.

that is to recognise the brother on condition of his taking the widow into the family and treating her as his wife.<sup>1</sup> Unfortunately, that decision could not be carried on account of the reluctance of the widow to marry Sher Singh. Government upheld her objection as Sher Singh, being the elder brother, could not marry the widow of the younger brother, Fraser remarking: "This can be done only by younger brothers, taking the wife or wives of an elder brother". Sher Singh was allowed to succeed to the estate of Kharak Singh but his personal property was given to the widows. They were also provided; the elder widow receiving Rs. 1300 and the younger Rs. 1100 a year.<sup>2</sup>

Perhaps, the most important case relating to the legality of Karewa marriage was that of Bassawa Singh of Bydwan.<sup>3</sup> He was the son of Jassa Singh, the eldest of the three brothers, who inherited the estate of Bydwan. He married first Sahib Kaur who was still alive but was childless; his second wife was Bishan Kaur who also died childless; the third was Khaim Kaur, a cousin of Bishan Kaur and widow of Dul Singh, who was married to Jassa Singh by "Chaddar Dalna" form of marriage and had from him a son, Bassawa Singh. In December, 1827, Murray had passed orders that the entire state should devolve on Khaim Kaur, as being the mother of Bassawa Singh. On January 3, 1828, he had reversed his former decision and

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1. Martin to Clerk, October 11, 1831, B. N. 31, L. N. 77.)

Martin forwarded the letter from the Secretary (p. 125-26)

2. Fraser to Clerk, April 10, 1834, B. N. 34, p. 117.

Ranjit Singh, Sher Singh's brother, preferred a complaint against the decision. When it was reported to Clerk, he referred to the orders of Government dated October 11, 1831.

Fraser approved of what had been done.

Clerk to Fraser, March 2, 1834, B. N. 30, L. N. 14.

Fraser to Clerk, April 10, 1834, B. N. 34, p. 117-18.

3. Clerk to Martin, December 12, 1831, B. N. 77, L. N. 110.

The estate was worth Rs. 6000 a year, B. N. 81, L. N. 117.





Bassawa Singh was set aside, on the score of illegitimacy,<sup>1</sup> the proof of which was brought forward by Bhup Singh and Albail Singh, the two surviving brothers of Jassa Singh.<sup>2</sup> Khaim Kaur and her son were ejected from the estate which was divided between the two brothers. A stipend of Rs. 1000 a year was awarded to Bassawa

1. The decision was thus explained by Murray :—

“Kheim Kaur was a widow in her father's family when she became known to the late Jussa Singh who took her under his protection and she continued with him until his death some months back. Her own statement clearly demonstrates that the customary ceremonies attending marriage were dispensed with when Jussa Singh received her from the parental roof. Under such a confession I feel myself necessary bound to coincide with the opinions expressed by the brothers and the widow of the deceased that the issue of such a loose and irregular connection cannot in strict propriety be considered legitimate.” B. N. 75, L. N. 8, January 31, 1828.

Bhup Singh and Ulbel Singh stated : “.....That is called Kureiwa when a widow is married to her deceased husband's uterine brother and not that where a man takes a woman of a stranger into his house, as in the case of Kheim Kaur (B. N. 75, L. N. 8).

Murray had made inquiries for, in an earlier letter, he had remarked: “the mother of Bussawah Singh lived under the roof of the late Jussa Singh dispensing with even the semblance of a concubial union”. B. N. 75, L. N. 226, October 17, 1828.

In the face of these positive declarations, the orders of Government were that the infant son of Jassa Singh by Khaim Kaur was illegitimate and possessed no title to succeed him (B. N. 28, L. N. 73, April 9, 1828, and B. N. 28, p. 235, March 21, 1828) and that the estate be divided between the two brothers of Jassa Singh and a provision given to the widow (B. N. 28, L. N. 177, July 23, 1828).

But the division had been temporarily stayed and Colebrooke, the Resident had asked Murray if any provision was to be made for Bassawa Singh and Khaim Kaur (B. N. 28, L. N. 222, September 2, 1828).

Murray believed that Khaim Kaur and her child were entitled to maintenance (B. N. 75, L. N. 198, September 16, 1828).



Singh and his mother.<sup>1</sup> Clerk felt that a great injustice had been done in the case which had not been referred to the other Chiefs of the rank of Jassa Singh for their opinion about the legality of Khaim Kaur's marriage and the legitimacy of Bassawa Singh.<sup>2</sup>

1. Clerk to Fraser, October 14, 1833, B. N. 81, L. N. 117.

Hawkins, the Resident, suggested to Murray that some land should be assigned for the maintenance of Khaim Kaur and her son Bassawa Singh who "though pronounced of illegitimate birth is certainly entitled to some provision to save him from starving". (B. N. 30, L. N. 49, May 28, 1830).

Murray on September 8, 1830, informed Hawkins that the estate of Jassa Singh was worth about Rs. 6000 a year; Bhup Singh and Albail Singh wanted to grant Khaim Kaur a village worth Rs. 800 per annum while Rs. 1800 a year were to be given to Sahib Kunwar, the legitimate wife. Khaim Kaur strongly objected and demanded Rs. 1800 a year—equal to that of Sahib Kunwar. The sardars said that it was very large and placed "wedlock and illicit commerce on an equal footing". (B. N. 76, L. N. 307)

Hawkins proposed a cash provision of Rs. 1000 a year for Khaim Kaur and Bassawa Singh, to be paid in monthly instalment and observed: "By this arrangement a necessary distinction is observed between the nature of her claims and those of the widow Sahib Koonwur" (B. N. 30, L. N. 73, September 13, 1830).

Murray communicated the above to Khaim Kaur but she "expressed her displeasure in terms and manner so as to lead to a supposition that she must be labouring under a sudden delirium". She refused to accept the provision not only of Rs. 1000 a year but also of the village. Murray concluded: "My best endeavours having failed to bring her to listen to reason, she must, I conclude, be permitted to pursue her own wayward course." (B. N. 76, L. N. 31B, September 20, 1830).

According to Clerk, she was living in Ambala in great poverty and want; her condition excited his pity. She wanted to proceed to Calcutta to lay her case before the Governor-General.

2. Clerk to Martin, December 12, 1831, B. N. 77, L. N. 110.

Before referring the case to Government, Martin, the Agent to the Governor—General, wanted to find out if "the ceremony of Kureiwa was performed as a preliminary to the connection of which he is the fruit." If the question be answered in the affirmative, if would be necessary to revise the decision and Bassawa Singh would be entitled to claim the estate of his late father,<sup>1</sup> Martin pointed out that the agents of Bassawa Singh had argued that illegitimate sons were not excluded from inheritance and so he asked Clerk why the agents had not submitted the proof of his legitimacy previously or disputed his illegitimacy. Finally, he shrewdly remarked that the agent would not have missed pressing that point home, had they been sure of Bassawa Singh's legitimacy.

Clerk made further enquiries into the nature of the alliance contracted between Jassa Singh and Khaim Kaur and come to the conclusion that the Karewa marriage had been celebrated,<sup>2</sup> and therefore Bassawa Singh was a legitimate child. He further quoted the testimony of Sirdars like Gulab Singh Shahid, who had negotiated the alliance. Therefore, the evidence recorded by Murray was erroneous. Moreover, Khaim Kaur had never admitted the illegitimacy of her son.<sup>4</sup> The elder widow, Sahib Kaur, had declared that Jassa Singh did

1 Martin to Clerk, December 28, 1831, B. N. 31, L. N. 103.

Martin added that the point had not been made clear by Clerk.

2. But Clerk weakened his point by observing that the impression might be erroneous and was the result of what he had heard incidentally mentioned in conversation.
3. According to Clerk, the marriage between Jassa Singh and Khaim Kaur had been publicly celebrated as the former, "went in procession...with honour and kettledrums and attended by all his retainers to the house of the women's parents whence he brought her in the same state to his own."
4. Clerk to Martin, January 3, 1832, B. N. 78, L. N. 5.

not connect himself with Khaim Kaur by the Karewa form, but she had admitted before Murray that the connection had been formed according to Karewa, though she asserted her right to hold the Sardari during her life although willing to be succeeded by Bassawa Singh. There was also the evidence of the relatives of Khaim Kaur and the two brothers of Jassa Singh but no reliance could be placed on either of the two testimonies.

It was in 1835 that the case was again opened by a petition presented by the two brothers of Jassa Singh.....Bhup Singh and Albail Singh.<sup>1</sup> It seemed that some sort of partition had been arrived at by Bassawa Singh on one side and his uncle on the other.<sup>2</sup> Later on the latter declared the seals, affixed on the documents, as forged.

Tracing the whole history of the case, Clerk pointed out how Bassawa Singh and his mother had been dismissed with a stipend of Rs. 1000 a year. His mother Khaim Kaur appeared to have gone to Simla in 1831; when the case was referred to Murray, he held that Khaim Kaur's marriage had not been performed according to Karewa. Then the case was referred to Clerk. The agent of Bassawa Singh repaired to Simla in 1832 and the Secretary to the Governor-General had called for the relevant papers from Fraser, who was then the Governor-General's Agent at Delhi. Fraser, had observed that if the property of Jassa Singh were private property, Bassawa Singh could be held the heir. But as it was public property, it ought to have escheated to Government.

Clerk then went on to say that the Supreme Government had directed him in 1833 to refer the question of Khaim Kaur's

1. Clerk to Metcalfe, October 14, 1835, B. N. 81, L. N. 117.

2. Unfortunately, Clerk does not give the details of the partition—deed.



marriage to the principal Chiefs. The question was whether according to the present custom of the Sikhs, a man can legally be married by the Karewa to a more distant relation than his brother's widow.<sup>1</sup> If Karewa marriage with distant relations was legal, the legitimacy of Bassawa Singh would be established. Clerk did so but his reply received from the Chiefs was not very clear, as the Court of Directors remarked, in a despatch of July 18, 1838.<sup>2</sup> The real difficulty, as Clerk pointed out, was that the Chiefs had no fixed laws for the determination of inheritance. The best way was to deal with cases as they arose individually.<sup>3</sup>

Some of the replies of the Chiefs had been received and others not, when the agents of Bhup Singh, Albail Singh and Bassawa Singh waited on Clerk at Ambala and informed him that their master had come to an amicable adjustment of their differences by a written agreement of which they each tendered copies. The agreement was registered in the Agency. Later on, Bhup Singh and Albail Singh, declared the agreement to be a forgery, stating that their seals had been affixed without their consent. On making enquiries, Clerk found that there was no possibility of any mis-application of their seals. The partition had been sketched and formally made at their residence in the village Sohana and that they themselves had affixed their seals in the presence of all their officials and several other witnesses—all of whom were forthcoming. Bassawa Singh and his mother had also been invited to Sohana and were, therefore,

1. Clerk to Metcalfe, October 14, 1835, B. N. 81, L. N. 117.

2. Clerk to Metcalfe, May 18, 1839, B. N. 83, L. N. 116.

I have already given the despatch in an earlier foot-note.

3. Clerk to Metcalfe, May 18, 1839, B. N. 83, L. N. 116.

Clerk says "It is useless to look to them for any thing satisfactory in jurisprudence".



present, Clerk, therefore, characterised the declaration of Bhup Singh and Albail Singh as "a most gratuitous misrepresentation."<sup>1</sup>

The reply of the Secretary at Agra, as sent to Metcalfe, was that both the parties should abide by the agreement they had arrived at.<sup>2</sup> The Court of Directors also refused to disturb the partition which had taken place by mutual agreement between the actual parties.<sup>3</sup>

Another important case arising out of the 'Karewa' form of marriage was that of Dasaundha Singh, the father of Fateh Singh of Hallahar. The question of his legitimacy arose in the time of Murray when he claimed to inherit the Chiefship of Radour. In the days of Clerk, his son revived the claim.<sup>4</sup>

Dulcha Singh of Radour and Prem Singh were full brothers. On the former's death, Dasaundha Singh, the latter's son, put forward his claim. This was rejected by Murray on the ground of

1. Clerk to Metcalfe, October 14, 1835, B. N. 81, L. N. 117.

One fails to understand why Bhup Singh and Albail Singh repudiated the agreement they had arrived at with Bassawa Singh.

2. Bushby to Metcalfe, December 9, 1835, B. N. 35, p. 732-33.

Metcalfe to Clerk December 21, 1835, B. N. 35, L. N. 88.

3. Extract of a letter No. 41 from the Court of Directors, dated July 18, 1838- B. N. 39, L. N. 4, January 15, 1839.

The Court wrongly called Bassawa Singh as Bahadur Singh and expressed the opinion that, in the absence of a partition, it might have been necessary to reconsider his dormant claim.

4. Murray to Hawkins, May 12, 1830, B. N. 76, L. N. 240.

Clerk to Metcalfe September 28, 1837, B. N. 83, L. N. 45.

his illegitimacy, the Supreme Government concurring with his decision.<sup>1</sup>

When Dasaundha Singh died in 1830,<sup>2</sup> his son Fateh Singh succeeded him in his claim. Clerk referred the question to the Chiefs of the Missal, to which Fateh Singh belonged. All of them denounced his pretensions as absurd.<sup>3</sup> As Clerk himself said: "It is a claim to an estate not acquired and possessed by the petitioner's ancestor ... grounds on which the Supreme Government has so re

1. Sterling to Hawkins, December 11, 1829. B. N. 30, p. 3.

Hawkins to Murray, January 11, 1830, B. N. 30, L. N. 2

Hawkins, in dismissing Dasaundha Singh's claim to succeed to the Radour estate sent a letter of Sterling, the Deputy Secretary to Government, addressed to himself, which discussed the claims of Dasaundha Singh thus:— "... The essential and conclusive facts that the complaint is not only illegitimate but the off-spring of an adulterous connection between his father and a female whose husband still survives ... His attempt to show that such connections, are sanctioned by the law and usages of the Sikh states must be considered a total failure ... His Lordship in Council does not hesitate, therefore to concur in your rejection of Dasaundha Singh's claim to succeed to the estate acquired by his uncle Sardar Dulcha Singh on the ground of his illegitimate birth".

2. Hawkins to Murray, May 15, 1830, B. N. 30, L. N. 45.
3. Metcalfe to Clerk, July 12, 1837, B. N. 37, L. N. 61.

Metcalfe wrote to Clerk that Fateh Singh had revived the claim of his father and was asserting that a Karewa marriage, with a woman whose husband is living, was lawful. Clerk was asked to make enquiries from the Chiefs as to how far the marriage was legal in the case of Dasaundha Singh's mother as Government wanted to make a final decision in the case.

According to Murray, Prem Singh married at first Ludhi and then Rajan. Mahi was a Zamindar who had a daughter Jeeo or Jori, married to Turti, a zamindar in the Kaithal territory. Prem Singh forced Jori into his house and had by her a boy, "the present Dasaundha Singh." Turti was alive for many years after this incident.

B. N. 74, p. 222, January 12, 1828.

Also see, B. N. 37, L. N. 75, August 11, 1837.

cently rejected Sarup Singh's claim to the Parganas acquired by Raja Bhag Singh. It is a claim which was formally advanced on the plea that the mother of Dasaundha Singh (the Petitioner's father) came pregnant to the house of Prem Singh; the claim was tried on these merits and rejected".<sup>1</sup> Clerk reminded Metcalfe that Dasaundha Singh had been pronounced to be the off-spring of an adulterous connection and therefore the claim of his son was "very proposterous"; even the Chiefs of his tribe were not in favour of his claims."<sup>2</sup>

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1. Clerk to Metcalfe, September 28, 1837, B. N. 83, L. N. 45.
  2. Clerk to Metcalfe, September 28, 1837, B. N. 83, L. N. 45.

Clerk said that Fateh Singh had not the support of the widow of Sardar Bhagel Singh of Chilaundi who sent her Diwan and also a written message to say that she knew no other heir to Radour or to her own estate than the British Government. She had remarked : .....But that, in the event of the Supreme Government relinquishing its rights in Radour she is prepared to claim it in virtue of her husband's supremacy over all the Karorsinghia Missal and that on her demise (she is heirless), should the Supreme Government renounce its rights to Radour and to her estate of Chilaundi she has no conception of any heirs except the Brahmins of Kankhal Hardwar on whom these estates should be conferred".

Clerk also quoted the opinion of Sardar Sahil Singh of Danoura, one of Fateh Singh's neighbours, against Dasaundha Singh and observed that but for his illegitimacy, Dasaundha Singh would have inherited Radour on the demise of Dulcha Singh instead of the widow of the latter.

Clerk complained that the people of Radour were being harassed and unsettled by the interference of Patiala. He added that he had tried to assure them but they pointed to Jind and Mustafabad where Patiala candidates had successfully established their claim. Fateh Singh was also being backed up by Patiala and in order to quieten the people, Clerk suggested that the Patiala agents should be dismissed.

In reply, Metcalfe assured Clerk that the reference was due to the orders of the Court of Directors and not on account of the request of Patiala Raja. In regard to the succession in Jind and Mustafabad, Metcalfe repudiated the suspicions of Clerk that Patiala had anything to do with it; the British Government was always anxious to respect lawful rights.

Metcalfe to Clerk, B. N. 37, L. N. 101, October 17, 1837.

The decision of Government was a foregone conclusion. On January 14, 1839,<sup>1</sup> Metcalfe conveyed to Clerk the information that the Government had rejected the claim of Fateh Singh to the Chiefship of Radour. No other decision was possible in view of the illegitimacy of his father. Metcalfe sent also an extract from a despatch of the Court of Directors which contained the following observation :—

“..... the renewed inquiry which has very properly been instituted ..... seems to have completely negatived the assertion of the legitimacy, among the Sikhs of the offspring of a Kureiwa marriage with a woman already married to another man and the claim of Fateh Singh is, therefore, entirely untenable.”<sup>2</sup>

To come to the right of a widow to bequeath an estate by will .... It was universally acknowledged that a widow had the right to succeed to an estate but in no case to will it away. One case occurred before Clerk's assumption of office. Rani Ind Kaur, the widow of Dulcha Singh of Radour left a will by which she wanted her estate to go to her daughter's son, a son of the Ladwa Chief, in view of the illegitimacy of Dasaundha Singh. When the Sardarni died, the Ladwa Sardar put forward the claim of his son, but the claim was rejected on the ground that Ind Kunwar could not bequeath her estate by will.<sup>3</sup> But her personal effects were given over to the Ladwa Sardar under instructions of Government.<sup>4</sup>

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1. Torrens to Metcalfe, January 5, 1839, p. 25.

Metcalfe to Clerk, January 14, 1839, L. N. 3.

2. Despatch of the Court of Directors, B. N. 39, p. 25, July 25, No. 43 of 1838.

3. Colebrooke to Murray, July 7, 1828, B. N. 28, L. N. 159.

Clerk to Metcalfe, September 28, 1837, B. N. 83, L. N. 45.

4. Murray to Colebrooke, February 10, 1829, B. N. 75, L. N. 292.



Further, widows were not allowed to practise adoption. In fact the principle of adoption was not recognised among the Sikhs.<sup>1</sup>

Under the Sikh Law, daughters or their children have no right to succeed to an estate even if there are no sons, widows, brothers, or nephews.<sup>2</sup> This is in conformity with the general princi-

1. The right of adoption was not allowed either among the Manjha or Malwa Sikhs, although it was conferred on various Chiefs by Government later on.

Murray, in this connection had remarked: "Such an adoption may hold good according to the Shasters but in my judgment they are more applicable to private and personal property than to public Sardaris and the general practice of country favours this opinion..... I cannot adduce an instance throughout the whole extent of the Sikh States in which the female line has succeeded to Chiefships and landed property by adoption." B. N. 74, L. N. 293.

It is true that the Hindu Law allows adoption, but there is a fundamental distinction between private property and a Chiefship. An adopted son can legally inherit his father's private property but he can not succeed to the Chiefship, without the sanction of the paramount power. Even the younger sons of a Chief are in worse position as compared to the eldest son who inherits the entire estate.

2. Murray to Colebrooke, May 7, 1828, B. N. 75, L. N. 79.

Murray had observed. "The practice of excluding the female line has no doubt obtained from the apprehension that estate would merge into the families of others."

B. N. 74, L. N. 200.

Again he remarked: "It is a positive and settled rule among the Sikh Chief that the female line is excluded from the succession to Chiefship, and landed property" (B. N. 75, L. N. 79, May 7, 1828).

That was the reason why the Radour estate could not go to the Ladwa Sardar, although he put forward a claim to that effect. See also Murray to Colebrooke, November 16, 1827, B. N. 74, L. N. 193.

On the other hand, Richmond felt that the son of a daughter should have the right to inherit an estate as is the case in the Hindu law for he observed: "A Chief who has no male off-spring but who has grandsons, the children of his daughters, is now apprehensive or indeed feels

ples of Hindu Law at the time. In such cases the estates lapsed to the over-lord. This principle is based on the consideration that a daughter, after her marriage, is entitled to inherit through her husband and therefore should have no claim to the patimony of her parents. Thus when Sardarni Bhagan, the second widow of Mohar Singh Nishanwala, died, her estate lapsed to Government, inspite of her having a daughter.<sup>1</sup> Again when Raj Kunwar, widow of Chawla Singh Jameraya, died without heirs, except a grand daughter, the latter's claim was regarded invalied and the estate was taken over by Government.<sup>2</sup> Similarly when Mai Gauran of Mustafabad died, her estate likewise lapsed to Government, notwithstanding that she had a daughter.<sup>3</sup> Also, when Mai Dharmun died leaving no male heir, her estate of Tira was annexed by Government.<sup>4</sup>

*Continued from page 61*

certain that his possessions will be taken by us, although perhaps no rule can be quoted specifying that they shall be, while it will probably be admitted that if the Hindu law of succession is to become a rule, a grand-son (the son of a daughter) can inherit when his mother and her parents are no more." .....B. N. 88A, L. N. 94, p. 257-58.

Lawrence, however, agreed with the views of Murray and Clerk, for he remarked: "I do not consider that the rules of succession in the Protected Sikh states have hitherto been based upon the laws of Hindu inheritance; if they had been we could not have inherited a single estate, for the husbands of each of the widows whom we permitted to inherit, would have adopted children as several widows have endeavoured to do, but voluntarily against the practice of their sect; the Mai of chilaundi, the oldest in the Protected States, being so well aware of this, that last August when I was in her neighbourhood, she begged my interference to secure a single village for a lad of her adoption and Rani Sukhan of Dialghar's whole thoughts are turned to obtaining a small reversson to her brothers. All these facts go to prove not only that the Hindu Laws of inheritance have not been acted on, but the Chiefs are well aware of what has been the practice." Lawrence's report on Kaithal, April 26, 1844, B. N. 88A, p. 341.

1. Clerk to Martin, September 26, 1831, B. N. 77, L. N. 6.
2. Clerk to Fraser, July 7, 1834, B. N. 80, L. N. 89.
3. Clerk to Fraser, October 25, 1834, B. N. 80, L. N. 186.
4. Clerk to Metcalfe, January 20, 1838, B. N. 83, L. N. 58.

A word may be added about the claim of illegitimate sons.<sup>1</sup> They had no right to succeed to an estate. Even in the absence of legitimate sons, the illegitimate sons had absolutely no claim. The case of Bassawa Singh of Bydwan already mentioned, bears this out. So does that of Fateh Singh of Hallahar who claimed the estate of Radour unsuccessfully owing to the illegitimacy of his father.

In the jurisdiction of Ambala Agency, a number of non—Sikh estates existed alongside the Sikh Estates. In the time of Clerk, there arose disputes over inheritance, in three such estates namely Ramgarh,<sup>2</sup>

1. Murray had given the cases of three illegitimate children Sahib Singh son of Bhanga Singh of Thanesar, Dasaundha Singh of Radour and Bassawa Singh. Of these, the first had better blood than the other two as he was born of a slave, who was the property of Bhag Singh. (B. N. 75, a note written in pencil by Murray and inserted between pages 356—357).
2. The Ramgarh question figured also in the agency of Murray, though not so prominently as in the days of Clerk, as would be clear from the following despatches:—

On September 24, 1827, Murray reported that disputes had broken out between Narain Das of Ramgarh and his nephew Mian Devi Singh. He described how Narain Das and Maldev—two brothers—had divided the domain of Ramgarh with all its revenues equally. When Maldev died in 1820, violent quarrels broke out between Narain Dass and Devi Singh, the elder son of Maldev who was trying “to retain the sole and uncontrolled supremacy with a Chief’s share in the estate,” while the former was anxious to preserve the old settlement; according to Murray, Dalip Singh, Devi Singh’s younger brother, was entitled to halfshare of the produce and fines from his brother’s share (B. N. 74, L. N. 163).

On February 7, 1828, Colebrooke, the Resident, requested Murray to interfere between Narain Dass and Devi Singh so that they might keep peace. (B. N. 28, L. N. 4).

On February 12, 1828, Murray replied that he was trying his level best to preserve the peace between the two (B. N. 75, L. N. 15). Colebrooke was of the view, that if no other arrangement was possible, the administration of Ramgarh should be divided between the two. (B. N. 28, L. N. 49, March 14, 1828).

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Kunjpura,<sup>1</sup> and Malerkotla<sup>2</sup>. The first was a Rajput estate, and the other two were Pathan principalities. In these states

*Continued from page 36*

When Murray again reported the deplorable states of affair in Ramgarh (B. N. 75, L. N. 3, March 30 1823, and B. N. 75, L. N. 43, March 19, 182 ) Colebrooke expressed the view that the division of the estate could be made only if Narain Das and his sons acknowledged Devi Singh as the Chief (B. N. 28, L. N. 61, March 24, 1823).

Murray recommended that Devi Singh should be allowed to exercise the same power as his father but he should give a moiety of his share to Dalip Singh. (B. N. 75, L. N. 50, March 28, 1823). Clerk, as will be seen, differed from this view.

1. The disputes among the members of the ruling house of Kunjpura were not -oticus, coming from the days of Ochterlony, the first political Agent; Much of the legitimate power and influence which this family might reasonably have exercised had been lost by the unhappy relations of different members who had quarrelled with each other and especially with the head of the house, for their own individual objects." The records of the Ambala Agency teem with reference to many disputes of the Kunjpurias, who were described as "turbulent and unruly, beyond any other race in India and given to habits of aggression, violence and contempt of all order and authority."
2. The principality of Malerkotla was notorious for disputes between Rahmat Ali Khan, son of Nawab Ata Ulla Khan, and Nawab Wazir Ali Khan; after the death of the latter, the dispute existed between Rahmat Ali Khan and Nawab Amir Ali Khan, the son of Wazir Ali Khan. The reason was that Rahmat Ali was much aggrieved at the decision of Ochterlony in 1810 by which Wazir Ali Khan representing the senior line was declared the ruler of the state.

Murray's remarks about the Malerkotla family are worth being quoted :

".....I believe it to be impossible to extract any generally beneficial measure from the collected members of this turbulent and distracted family because their conflicting interests, ceaseless intrigues and mutual jealousy are opposed to system and inimical to order, to regulated on just and fundamental principles" Murray Martin, May 18, 1831, B. N. 77, L. N. 29.

*Continued on next page*



also, Clerk and Government were trying to evolve certain laws of succession based on equity, justice and even expediency.....the motives guiding them in the disputes affecting the Sikhs.

### 1. Partition Disputes Relating to Ramgarh

As regards Ramgarh, the succession—dispute proved to be a long and bitter one, so much so that it resulted in the administration of a severe reprimand from the Governor—General to the Resident at Delhi, between whom and Clerk was generated, in turn, ill—feeling thereby. The problem was whether this estate should be partitioned or the chiefship in it preserved entire. As would be clear, Clerk was able to save the estate from fragmentation.

Ramgarh had been a fief of the Raja of Nalagarh and its Chiefs were Rajputs and known as Mians. About the time of Metcalfe's mission, they offered their allegiance to the Raja of Sirmur but declared their independence when that ruler was attacked by the Gurkhas.<sup>1</sup> Later, the Sirmur Raja claimed their allegiance again, but it was not allowed by Ochterlony,<sup>2</sup> though the four principal Sikh Chiefs had declared (when the query was put to them by Ochterlony)

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*(Continued from page 64)*

Clerk, after agreeing with Murray's opinion, expressed himself, as follows :—

"What Captain Murray anticipated, my own experience has confirmed. It is vain to effect unanimity among the members of this family on this point. Some of the most influential are interested in subjecting inheritance to the Shurreh, claiming its laws as applicable to all of their religious persuasion. Others discard the Shurreh, deny that its rules have hitherto been the guidance of the family.....which is the fact..... and prefer to adhere to their ancient usages. Unfortunately their family customs in respect to inheritance have not hitherto been uniform."

B. N. 82, L. N. 131, August 4, 1836.

1. Clerk to Fraser, November 6, 1832, B.N.78, L.N.74.

2. Clerk to Prinsep, October 10, 1831, B. N. 77, L. N. 90.

that the Mians of Ramgarh had owed allegiance to and were the servants of the Sirmur Raja.<sup>1</sup>

Ramgarh had been administered by two brothers... Maldeo Singh and Narain Das but the superior jurisdiction was vested in the former being the elder of two. After the death of Maldeo, Mian Narain Das wanted to assert his superior claims in the management of the *Taaluk* or to obtain independent possession of one half of the estate; the town of Ramgarh had already been divided under the orders of the Government, in the life time of Maldeo.<sup>2</sup> Mian Maldeo had left two sons.....Devi Singh, the elder and Dalip Singh the younger half-brother. As mentioned before, the younger brother, emboldened by the example of his uncle, wanted half of Devi Singh's estate. Devi Singh was opposed to the claims of both and his objection in the eyes of Clerk, was quite "valid and proper" Dalip Singh went to Simla in order to press his claims before the Governor-General.<sup>3</sup>

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1. In the Calcutta Review, it has been wrongly said that the Mians of Ramgarh became independent of the Nabha Raja. Actually they became independent of the Nahan or Sirmur Raja — Volume II, p.200.
  2. Clerk to Martin, September 27, 1831, B. N. 77, L. N. 79.
  3. Dalip Singh submitted a petition to Lord William Bentinck dated September 25, 1831, in which he said that he had 'learnt with as much sorrow as dis-appointment that the decision passed by Sir E. Colebrooke against which he appealed ... is to stand good'. (Inserted in B. N. 31 between p.113 and 114).

Prinsep wrote to Clerk from Simla that Dalip Singh's case had been referred to the Council at Calcutta and that the Governor-General would "make no order" in favour of Dalip Singh, till he heard from him. He also humourously remarked: "If independent Chiefs are to increase and multiply at Malthus's rates of geometrical progression, we shall end in a community of independent individuals and that will be such a state of society that the world never experimented upon yet." (B. N. 31, L. N. 72, October 1, 1831).

(Continued on next page)

Clerk invited Devi Singh and Narain Das to Ambala. The former came but Narain Das was unable or unwilling to come. Clerk wanted Devi Singh to give Rs. 3000 a year to Dalip Singh, but he was not willing to give more than Rs. 2000 pleading that the annual income of the estate was only about Rs. 7000.<sup>1</sup> Clerk therefore agreed to accept that figure "with an additional sum of Rs. 1000 on the return of that

*(Continued from page 66)*

Beenon, the Private Secretary of the Governor-General, was of the view that the case involved interests which gave it a great importance. (B. N. 31, L. N. 68).

Martin had made certain observations in his despatch to Prinsep. He explained how Ramgarh, had been in Maldeo's management since 1809, although he had also associated his brother Narain Das "to an equal participation in all the privileges and emoluments of his authority". This decision was not sufficient to support Dalip Singh's contention as consequences of great public inconvenience would result from its admission; moreover, peace and welfare of the people would be affected by the consequence of that division. He remarked: "... however sanctioned it may be by the established usage of the country, a regard to the security of these important objects dictates the propriety of so far modifying that usage in the case of independent principalities, as to preserve the unity of control which is indispensable to the vigorous exercise of authority and to prevent the numberless disputes and differences which are inseparable from the existence of various petty jurisdictions, each claiming the exercise of independent rights ... with a view ... to afford to the peace and order of the country that protection which it is equally our privilege and our duty to administer. I am strongly of opinion that it is very desirable to retard as much as possible the process of territorial sub-divisions." Martin, therefore, suggested to Government that it would be expedient to confirm Colebrooke's decision restricting Dalip Singh's "pretensions to the right of a suitable maintenance from his elder brother."

(B. Nr 31, L. N. 62, September 14, 1831)

As would be seen, that principle was to guide the ultimate decision in this case.

1 Clerk to Martin, September 27, 1831, B. N. 77, L. N. 79.

The actual revenue only amounted to Rs. 6500.



peace and order at Ramgarh which he for one has been very instrumental in disturbing". Accordingly Clerk asked the resident to recommend to the Governor-General that Dalip Singh be dismissed from Simla and directed to repair to Ramgarh. Narain Das was to be placed on the footing he had in the days of his elder brother. The Resident thought the provision proposed for Dalip Singh, with the promise of eventual augmentation to be just and adequate.<sup>1</sup>

The case was referred to the Governor-General, who declared that the Taaluq had been held by Maldeo and Narain Das jointly but the Chiefship had been held by the former<sup>2</sup>. According to the Governor-General, the question was whether the Sirdari belonged to the brother or the eldest son; another question was how much the younger brother had to get. The Governor-General went on to say that by the custom of the family the Chiefship or Sirdari was an hereditary right to descend in the direct line, consequently the eldest son of the deceased Mian Maldeo Singh must be recognised as the Sirdar and the right of his younger brother Dalip Singh would be confined to a younger brother's allowance or portion of the inheritance.<sup>3</sup> As far as possible, the Governor-General added, arrangements should be made by which the claims of Dalip Singh be satisfied without further dismemberment of the estate.

Clerk went in person to Ramgarh in march, 1832, to carry out the intentions of Government. He declared Devi Singh as the Chief

1. Martin to Clerk, September 29, 1831, B. N. 31, L. N. 60.

Martin to Clerk, October 10, 1831, B. N. 31, L. N. 68.

2. Martin to Clerk, January 4, 1832, B. N. 32, L. N. 3.

It was clearly declared that Maldeo Singh "enjoyed an authority and rank beyond the share which was his lot by inheritance."

3. Prinsep to Martin, December 31, 1831, B. N. 32, p. 18-20.



and awarded Narain Das one-half of the revenue with other emoluments and fine.<sup>1</sup> A garden and some other lands situated around the town of Ramgarh and allotted to Narain Das by Maldeo, were allowed, to continue under his management without any interference from Devi Singh.<sup>2</sup>

On February 11, 1833,<sup>3</sup> Fraser wrote to Chief Secretary, Swinton that Dalip Singh claimed an equal division of the share to which he had "an undoubted right according to the custom of the family". Macnaghten in reply<sup>4</sup> observed that it was not clear from what premises Fraser had drawn the conclusion about the family custom but expressed a hope that he would have made "due inquiries", although it was not clear whether an actual division had taken place between Narain Das and Maldeo. Macnaghten observed that under these circumstances the estate would have to be divided at first between Narain Das and Devi Singh and then between Devi Singh and Dalip Singh. So in March 1833,<sup>5</sup> Fraser directed Clerk to carry in to effect the division of the Ramgarh estate making the allotments in a manner as agreeable to the parties concerned as possible. Under these instructions, Clerk proposed to Narain Das two lots out of the Estate and leave the choice to Devi Singh; the division between Devi Singh Dalip Singh was to be made next

Narain Das gladly undertook to do it, but Devi Singh protested

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1. Clerk to Fraser, November 6, 1832, B. N. 78, L. N. 74.
  2. Devi Singh's cousin, Gopal Singh, the son of Narain Das, was very jealous of the authority exercised by Devi Singh. He was another "disturbing factor."
  3. Fraser to Swinton, February 11, 1833, B. N. 35, L. N. 78.
  4. Macnaghten to Fraser, February 27, 1833, B. N. 35, L. N. 79.
  5. Fraser to Clerk, March 23, 1833, B. N. 35, L. N. 78.

to Clerk and then proceeded<sup>1</sup> to Delhi. Partition was actually made.<sup>2</sup> In October 1833, Clerk wrote that Dalip Singh and Narain Das had expressed a wish to undertake the capture of the places allotted to them in the partition.<sup>3</sup>

Finding Fraser adamant, Davi Singh went to Calcutta and presented a petition,<sup>4</sup> to the Governor-General in which he pointed out that his grand-father Khushal Singh had given no share to his younger brother; similarly his father Maldeo had granted a provision to his younger brother Narain Das.<sup>5</sup> Devi Singh also referred to the orders of Colebrooke, and a letter of Murraby by which he had been confirmed as the Chief while Dalip Singh was to get an allowance only. Then he went on to say how Fraser had ordered a partition of the estate, although there was no such custom in the family. According to him, it had been done at the suggestion of Ghulam Mohy-ud-din Khan of Indri,<sup>6</sup> a friend of Fraser. Finally Fraser had refused to listen to him and issued an order by which Narain Das and Dalip Singh were to be put in possession of their shares while Devi Singh's share was to be delivered only when he agreed to the proposed partition.<sup>7</sup>

1. Clerk to Fraser, April 18, 1833, B. N. 79, L. N. 20.

Clerk to Devi Singh, March 28, 1833, B. N. 34, p. 220.

2. Clerk to Fraser, June 20, 1833, B. N. 79, L. N. 50

3. Clerk to Fraser, October 1, 1833, B. N. 79, L. N. 109.

Also see, Clerk to Fraser, November 14, 1833, B. N. 79, L. N. 131, and 132.

4. B. N. 34, p. 211-16.

5. Devi Singh observed: "My father possessed the sole authority over the estate, as an independent chieftain and had all the affairs connected with it under his own management."

6. He is the same person who received one-third of Kunjpura estate—see below.

7. Petition of Devi Singh, B. N. 34, p. 211-16.

Devi Singh also forwarded a copy of proceedings held by Fraser (p. 217).

Devi Singh's petition brought a severe reprimand to Fraser from the Governor-General who remarked that the circumstances in the case "argue by no means favourably for the character of that gentlemen as a discreet and impartial dispenser of justice."<sup>1</sup> The whole history of the case was traced and Macnaghten thus expressed the Governor-General's order :—

"His Lordship is of opinion that besides being called upon for explanation of his inconsistent and apparently arbitrary proceedings in this case, Mr. Fraser should be required immediately to cancel the whole of the orders passed by him with regard to it and that the parties should be referred to the Political Agent at Ambala for an inquiry and adjudication of their respective rights, the Petitioner in the meantime being maintained in the right..... as head of the family, to controvert which, no evidence has yet been adduced."

As already pointed out, Fraser had given his award in 1833; the Vakil of Dalip Singh and Narain Das had waited on Clerk to have his permission to capture the places allotted to him in that partition, from the occupation of retainers of Devi Singh. In the meantime, the order of partition was cancelled by the Supreme Government and Clerk was asked to restore the affairs of Ramgarh to the footing in which they were in 1831.<sup>2</sup> But Narain Das and

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1. Fraser to Clerk, June 3, 1834, B. N. 34, L. N. 35.  
Trevelyan to Fraser, May 15, 1834, B. N. 34, p. 209.  
Macnaghten to Trevelyan, April 25, 1834, B. N. 34, p. 209-11.

2. Fraser to Clerk, June 3, 1834, B. N. 34, L. N. 35.  
Clerk to Fraser, July 24, 1834, B. N. 80, L. N. 100.

Clerk sent an Amin to Ramgarh with a letter explaining the instructions of Government; that official was directed to receive from Narain Das and Dalip Singh and to make it over to Mian Devi Singh or in event of his absence, to his son, the management of Ramgarh Talsuq."



Dalip Singh flatly refused to vacate the places allotted to them by Fraser's award in obedience to Clerk's order conveying the instructions of Government. On the contrary, they were trying to strengthen those places and were prepared to oppose with force any attempt to dispossess them. The Chaprasi of the Agency, sent with Clerk's orders, was beaten by Dalip Singh's men and hence the Amin, entrusted with the orders of the Agency, was too frightened to go to Ramgarh.<sup>1</sup> For this muddle, Fraser blamed Clerk who submitted the following explanation :—

"The opinion..... I presumed to offer of the respective rights of the disputants, differed from that view of their case which induced you to divide the authority among them all. Moreover, I have been an eye-witness of devastation in the Ramgarh Talsuq, since authority devolved on Dalip Singh and Narain Das..... Adverting to these circumstances, I felt very desirous of carrying the late orders of the Government into effect in a manner the least liable to be misconstrued into official jealousy towards you or personal prejudice against the parties to be ejected."<sup>2</sup>

In reality, Fraser was feeling very sore on account of the public rebuke he had received and was unjustly accusing Clerk of being prejudiced against Dalip Singh and Narain Das.

1. Clerk to Fraser, July 24, 1834, B. N. 80. L.N. 100.

2. *Ibid.* Clerk further remarked: "I beg you will do me the favour of perusing my correspondence --- with the Ramgarhias --- satisfied as I am, that it is very far from exhibiting anything approximating either to the one or the other feeling, that it contains neither anything disrespectful to my superior in office, nor uncourteous to Narain Das and Dalip Singh and beg you to be persuaded that if I desire to experience as much consideration as I have herein show to others, it is only because I feel convinced that any other course is most prejudicial to the despatch of business and public service."



On July 30 1834, Clerk reported that hostilities had broken out between the Mians of Ramgarh.<sup>1</sup> He could not help remarking that he would have carried out the orders of Government peaceably into effect, if Fraser had supported him, or if he had not counteracted Clerk's orders. In his view Dalip Singh's conduct deserved exemplary punishment as human lives had been uselessly sacrificed by his action.<sup>2</sup> Devi Singh's agents complained that the servants of their master were being excluded from the management of Ramgarh by Narain Das and Dalip Singh, the latter of whom was strengthening a fort.<sup>3</sup> Clerk, again writing to Fraser, expressed his opinion that Dalip Singh was not going to give up his share of the estate or obey the orders of Government because he was feeling encouraged by the letters, he was receiving from him (Fraser). If Dalip Singh did not give up his war-like preparations, Clerk, although reluctantly, was ready to employ force to coerce him.<sup>4</sup> Meanwhile a letter was received

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1. Clerk to Fraser, July 30, 1834, B. N. 80, L.N.105.

Clerk explained their position in these words :—

"They do, however, explain that they consider themselves justified in this resistance by the tenor of letters of encouragement which they allege they have subsequently received from you. As I am not apprised of your having addressed them at all, I presume this is merely given out in order to gain time". He further observed that he had written once again to Dalip Singh who refused to comply with its contents and so he had been left with no alternative except of recalling the Amin and the Chaprasi adding that he was awaiting Fraser's instruction in the matter.

2. *Ibid.* On August 6, 1834, Fraser, replied. "You have never been prohibited and are now requested to pursue proper measures to bring Dalip Singh and Narain Das to obedience and to respect the orders of Government".  
B. N. 34, P. 337.

- 3, Clerk to Fraser, August 2, 1834, B. N. 80, L. N. 110.

4. Clerk to Fraser, August 9, 1834, B. N. 80, L. N. 117.

from Narain Das complaining of the anxious situation in which he was placed by the hostilities around him.<sup>1</sup> Clerk advised him to exert his influence to maintain peace between his two nephews and if his advice did not bear fruit, to remove himself from the scene of hostilities.

In a communication addressed to Clerk, dated August 11, 1834 Fraser blamed him for the outbreak of hostilities in Ramgarh as he had not supplied to Dalip Singh and Narain Das the orders of Government in full, and had been guilty, however unintentional it might be, of "an intentional concealment of part of the orders of the Government to deceive them to draw them on into trouble and ruin."<sup>2</sup> Had the orders been conveyed in full, Fraser was of view that Narain Das and Dalip Singh would have been convinced that Government was prepared to reconsider their cases and it would have prevented "dissatisfaction and disturbance." He then took the wording of the order of Government of April 1834, as communicated by Clerk, and pointed out how the words occurring in his letter, addressed to Narain Das and Dalip Singh, as quoted in the petitions of Devi Singh's agents to Fraser, were; "all orders subsequent to the February 28, 1833, are cancelled ——— that as written in the the order of December 1831, the Taaluqa of Ramgarh remains to Mian Devi Singh and that matters revert to the state they were in that year and so they will remain," adding,

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1. Clerk to Fraser, August 11, 1834, B. N. 80, L. N. 10.

2. Fraser to Clerk, August 11, 1834, B. N. 34, L. N. 50.

that these lines read differently in the copy forwarded to Fraser by Dalip Singh.<sup>1</sup>

Fraser's charge against Clerk was that he had not made it clear that he would hold a further investigation into their claims. He remarked; "Thus they would have been satisfied that submitting to your injunctions, harsh abrupt and unpleasant as they were, was an indispensable preliminary to obtaining their rights, they would not have been misled to suppose that the present order is without appeal and no resistance or disturbance would have occurred."

Fraser then took Clerk's letter of July 24,<sup>2</sup> into consideration and wrote as follows:—

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1. Fraser to Clerk, B. N. 34, L. N. 51, August 11, 1834.

Fraser added that in the file sent by Clerk to Delhi, these lines might be thus translated:

"Today the orders of Government dated the 25th of April, 1834, are issued to this effect that all orders since the 23rd (sic) of February 1834 are cancelled, that as it was directed in a despatch dated December 31, 1831, the estate of Ramgarh remains to Mian Devi Singh.

Therefore, it is written that you (Dalip Singh and Narain Das) leave the estate as it was in the past year."

Fraser further observed: "..... the whole is an imperfect interpretation of what has been directed by Government which explained properly would have led Narain Das and Dalip Singh to understand at once that their case was to undergo a final investigation by you and every opportunity afforded of bringing forward again their proofs in support of their claims."

Thus there were three versions of Government's orders—one given by Clerk to Narain Das and Dalip Singh, as quoted by Devi Singh's agents, the second, the copy forwarded to Fraser by Dalip Singh and the third, the order written by Clerk on the file, sent to Fraser. Between these three versions, however, the difference was between Tweedledum and Tweedledee.

2. In this letter, Clerk had reported that he had tried to restore the affairs of Ramgarh as they were in 1831 but Narain Das and Dalip Singh had refused to vacate places allotted to them in the award of 1833.



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"..... I do not attribute what may have happened so much to the manner in which you addressed the parties as to their inexcusable conduct, still the obvious mode of maintaining peace was a full explanation of the orders you had received communicated in a soothing and friendly manner which certainly was not done.

The consequence is that disturbance and discontent have ensued and you have furnished ample grounds to Dalip Singh and Narain Das to ascribe an intentional concealment of part of the orders of the Government to deceive them to draw them on into trouble and ruin."

Further, Fraser dealt with the point of Clerk in which the latter had complained of his authority being unsupported and his orders being actually counteracted by the former; he remarked :—

"The idea you entertain ..... evident from the tenor of your letters ..... arises from some source I do not think it necessary to trace ..... It would have been nevertheless easy to satisfy yourself of a fact before building a conclusion upon it that is the suppositious fact from dwelling on which ideas you express seem to follow.

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The communication which was made to Dalip Singh and Narain Das from this office in reply to letters from [them on receiving your orders supplied the information you had withheld, viz. the instruction of Government that you should make further inquiries into the claims of all and pass a final decision, subject of course to appeal to Government. They were already informed by you that matters should revert to the state they were in before Devi Singh's claims to the whole property were rejected.

I certainly do take blame to myself that instead of replying to Dalip Singh's letter directly, I did not address you to point out in what respect your proceedings were so wide of what they



ought to be and also that I did not transmit to you copies of the letters written to me and the replies. These precautions ..... were rejected.....

I conceived also that the purport of letters I wrote would be communicated through the agents of the persons to whom they were addressed. I supposed that you would have written again to Narain Das and Dalip Singh after your first haste, inviting them to come forward with full explanation of their claims and the proof they possessed for making them good and I did not think it possible almost a suspicion would enter your mind such as that of my not giving support to your authority necessary to carry the orders of Government into effect which it was my first duty to execute.

I request now that you will conform to these orders as ..... taking the earliest opportunity to quiet the apprehensions of Narain Das and Dalip Singh assuring them that their claims, whatever they may be, will receive the full consideration of Government, reporting finally on the case."

Clerk invited Dalip Singh to Ambala and tried, as directed by Fraser, "to tranquillize him to the prospect of a further investigation of his claims"<sup>1</sup> but he added that he was not 'very sanguine of

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1, Clerk to Fraser, August 17, 1834 B.N.80 L.N.127.

It seemed that Clerk did not like the tenor of his letter to Dalip Singh which he had to write under Fraser's direction, for he remarked: "I apprehend that my present encouraging communication may come to be regarded as of a more deceptious tendency, than that which though simply apprising them of the orders of Government restoring Devi Singh's authority ... may be regarded in that light by Dalip Singh."

his appeal, ss Dalip Singh could advance no new argument in support of the claims except the voluminous proceedings submitted with Murray's report in 1827, which contained every argument that the disputants could advance. He hoped that Dalip Singh would see the error of his way and make haste to comply with the injunctions of Fraser.<sup>1</sup>

Replying to Fraser's letter in detail, Clerk wrote: "You do me but justice in ascribing the improper measures had recourse to by Dalip Singh ... less to the tenor of my communication respecting the order of the Government than to his inexcusable conduct." Clerk was greatly concerned to learn that communication he had addressed to Narain Das and Dalip Singh, had been considered as "harsh abrupt and unpleasant" but he had selected words and expressions which might be least offensive and had tried his best to make the communication as little unpleasant as possible. The sting lay not in the words of the communication, as Clerk explained, but in the communication itself which required them to relinquish lands of which they had been placed in possession after many years of bitter controversy. Clerk went on to say that he avoided, for example, the words, "You will, therefore, take possession of" or "you will therefore, give up." He wrote: "You will, therefore, have or maintain (Daurand) such arrangements (Bandoba st) as subsisted last year. Nothing I conceive, could have been more considerate towards those who were to be ejected than this form of expression. So at least I had intended it and as such I trusted, it would be gratefully felt. There are certainly modes of addressing native princes, the adoption of

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1. Clerk to Fraser, August 17, 1834, B.N.80, L.N.127.

I have referred to Murray's proceedings in a footnote earlier.

which might have rendered my communication more gratifying."<sup>1</sup>

As to the orders of Government and his communication to Narain Das and Dalip Singh, and their being conveyed to the Mians in an incomplete manner and inspiring them with a hopelessness of their cause, as alleged by Fraser, Clerk rightly stated that they had already done what they could to support their claims and bring all the proofs in support of them. Clerk also observed that if such an impression had been created, it must have been neutralised by the letters addressed to them directly by Fraser who had enjoined that they should bring every proof in support of their rights. Clerk held that a communication of this nature at such a crisis would naturally promote a youngman of Dalip Singh's temperament to evince the utmost tenacity in maintaining his hold of alleged rights even to the degree which had given occasion to this unpleasant difference of opinion. In short, while Fraser attributed rioting and bloodshed to the harsh tone of Clerk's communication, Clerk contended that Fraser's letters to the Mians were the cause of the outbreak. The latter tenaciously maintained that his procedure had been most conciliatory. Narain Das and Dalip Singh suspected that their agents might not meet a very favourable reception at the hands of Clerk, it is true, but otherwise, their intercourse had been on a most friendly footing.<sup>2</sup>

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1. Clerk to Fraser, August 17, 1834, B.N. 80 L.N. 127.

But Clerk remarked: "I would willingly have been more complimentary but any alteration on this occasion of a form of address which has now for twenty years or more been the practice of this office towards the Mians of Ramgarh, would have caused more trouble and perplexity hereafter to the local agents, than the use of this customary language occasioned surprise or regret to Dalip Singh

2. Clerk to Fraser, August 17, 1834, B. N. 80, L. N. 127.

Clerk in this connection remarked: "Narain Des and Dalip Singh had known me through their agents and emissaries at Delhi during the brief time I was employed in that office and they very justly apprehended that those agents might not meet a very favourable reception from me at Ambala. But as respects themselves, our intercourse has ever been on the most friendly footing."



Moreover, Clerk had sent an Amin from his office who was instructed to take possession of the places lately occupied by Dalip Singh's retainers and then make the transfer himself to the ministers of Devi Singh. All this was done because of consideration for the feelings of Narain Das and Dalip Singh. Clerk then remarked: "I disclaim entirely the disposition which you ascribe to me of mis-construing the measures taken by you on this and other occasions into a desire on your part to counteract the authority of the Local Officer in subordination to you. I have never yet had reason to suppose it was your intention or you wish to do so. Had it been, I am sure, I might have confidently looked to your candour for an open declaration of such intention. But I ought not to conceal from you my conviction that the very effect which you least desire is in fact produced by a system which I shall presume so far as to term a too indiscriminate reception of petitions." He then appealed to his good sense not to encourage such petitions which insinuated all sort of foolish charges. Encouraging too many petitions, argued Clerk, was a bad practice as it tended "to strike at the root of every effective measure for the due management of so complicated a charge as that of the Protected Sikh States."<sup>1</sup> Of course, he was not opposed to fair and open appeals and he would never regret that any decisions of his were subject to the test of his (Fraser's) long experience of Sikh affairs.

Fraser, writing on August 15, and September 2 1834, informed Clerk that Dalip Singh had been required to relinquish every part of the state that he had been occupying on pain of being treated as a rebel "opposing Government by force."<sup>2</sup> This improved the state of affairs at Ramgarh as all hostilities ceased and Dalip Singh prepared to hand over all the places, he once occupied, to Devi Singh.<sup>3</sup>

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1. Clerk to Fraser, August 17 1834, B.N.80, L.N.127.

2. Fraser to Clerk, B.N.34, LL.N.52 and 54.

3. Clerk to Fraser, August 22, 1834, B. N. 80, L. N. 141. Dalip Singh left for Delhi to see Fraser.



Clerk, writing again on August 30, 1834; inquired of Fraser if the investigation requiring the restoration of Devi Singh's authority should follow the execution of the orders of Government or that it should proceed without any reference to these orders, as was intended by Dalip Singh.<sup>1</sup> In reply to the complaint of Dalip Singh that Clerk was not willing to receive any papers from him, the latter remarked that he was not prepared to hold any communication with him so long as he continued in a state of open resistance to Government and continued to behave as a rebel.<sup>2</sup> The fact that Fraser had asked him to continue holding intercourse with Dalip Singh and that he himself was addressing letters to him relieved Clerk of the responsibility and apprehension which he was feeling. Clerk reported that Dalip Singh was still occupying Khatouli and Nandkeh.<sup>3</sup> In the former place he had put eighty armed men and at the latter place he had built a fort and placed a garrison in it. Narain Das, who was with Clerk, reported that Dalip Singh had tried to capture the fort at Khatouli, which was in the possession of Narain Das. It was then that Fraser wrote a letter dated September 2, 1834, that Dalip Singh should at once vacate the territory that he was occupying.<sup>4</sup>

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1. Clerk to Fraser, B. N. 80, L. N. 143.

2. Clerk observed: "Your present injunctions have of course removed the scruples that I entertained on the score of responsibility while the reception of Dalip Singh's addresses by you, indicating that the offensive position he had assumed does not, in your opinion, warrant any interruption of ordinary correspondence, must gradually relieve the apprehension and anxiety for the future, with which I was previously disposed to view any measure in respect to him that I should fail to mark his contumacy."

3. Clerk to Fraser, August 30, 1834, B.N.80, L.N.148.

4. Fraser to Clerk, B. N. 34, L. N. 54.

On November 1834, Fraser directed Clerk to intimate to Narain Das that "any communications he may wish to make must be through the proper channel of the Ambala Office." B. N. 34, L. N. 75

The whole case was again reviewed by Clerk for the information of the Agra Government, in a letter to the address of Metcalfe<sup>1</sup> in 1835. He again discussed the claims of all the three candidates.....Narain Das, Dalip Singh and Devi Singh. It was only in September 1838,<sup>2</sup> that this dispute, perhaps the longest and the most acrimonious of all, was settled

2. Clerk to Metcalfe, October 31, 1835, B. N. 81, L. N. 125.
2. I have omitted a number of letters exchanged between Clerk and Metcalfe during 1835-38 relating to Ramgarh case, in order to preserve the clarity of the narrative. No new argument is to be found except that Clerk expressed himself very emphatically against the partition of Ramgarh estate. The Lieutenant-Governor, N. W. Provinces, was of the opinion that a provision in land might be given to Dalip Singh, although he would have to acknowledge the superior authority of his elder brother.

The letters are as follows :—

Metcalfe to Clerk,	April	13, 1835, B. N. 35, L. N.	7.
Metcalfe to Clerk,	November	21, 1835, B. N. 35, L. N.	77.
Clerk to Metcalfe,	November	17, 1835, B. N. 81, L. N.	131.
Metcalfe to Clerk,	January	14, 1836, B. N. 34, L. N.	4.
Metcalfe to Clerk,	March	8, 1836, B. N. 34, L. N.	16.
Scott to Metcalfe,	February	27, 1836, B. N. 36, L. N.	71.
Metcalfe to Clerk,	April	6, 1836, B. N. 36, L. N.	28.
Scott to Metcalfe,	March	26, 1836, B. N. 36, P.	106.
Offg. Secretary, Agra Govt. to Metcalfe,	January	6, 1836, B. N. 36, L. N.	4, P. 16—17,
Clerk to Metcalfe,	March	12, 1836, B. N. 82, L. N.	36.
Metcalfe to Clerk,	October	7, 1837, B. N. 37, L. N.	95.
Secretary Agra Govt. to Metcalfe,	September	30, 1837, B. N. 37, P.	337.
Metcalfe to Clerk,	November	29, 1837, B. N. 37, L. N.	113.
Clerk to Metcalfe,	December	4, 1837, B. N. 83, L. N.	51.
Metcalfe to Clerk,	January	3, 1838, B. N. 23, L. N.	2.
Hamilton to Metcalfe,	December	20, 1837, B. N. 38, P.	5.

amicably. The final orders of the Lieutenant—Governor, were as follows :—<sup>1</sup>

- (a) Narain Das was to continue to enjoy during his life-time, the half of the revenues, assigned to him by Maldeo Singh ;
- (b) Devi Singh was to be the Chief and was to exercise over the followers of Narain Das and Dalip Singh the authority of a Chief ;
- (c) Dalip Singh was to get the maintenance of Rs. 2000 a year in the landed property ; this allowance was to be increased to Rs. 3000 a year, later on ; and
- (d) On the death of Narain Das, should any dispute arise, the question of the maintenance of his children was to be taken up.

## (2) PARTITION DISPUTES RELATING TO KUNJPURA.

In the Pathan estate of Kunjpura, there were three disputes about partition, all closely inter-linked.....two endangering the Chief hip and the third relating to the maintenance of the younger sons of Nawab Gulsher Khan. The Nawab had died leaving behind five sons..... Rahmat

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1. Metcalfe to Clerk. S ptember 12, 1838, B. N. 38, L. N. 59,

These orders had already been passed in March 1836 by the Lieutenant—Governor, N. W. Provinces ( B. N. 36, P. 106 ). Thus there was to be no change. In 1845, there is again a reference to Ramgarh. Although Devi Singh had been confirmed as the Chief, Narain Das wanted to get these orders cancelled, despite the custom of the family which did not admit of such a division of the territory. According to the then Assistant Agent at Ambala disputes in Ramgarh were between : Devi Singh and Narain Das, Devi Singh and Dalip Singh, Devi Singh and Dalip Singh's mother, Narain Das and his son Gopal Singh, on account of Jai Singh the latter's son. In fact when Narain Das died in April 1845, the Assistant Agent, in order to avoid blood-shed at Ramgarh thought it prudent to detain Gopal Singh, Jai Singh and Devi Singh who happened to be present at Ambala, B. N. 46, L. N. 29 and 55, March 17 and April 27, 1845.

Khan and Ghulam Mohy-ud-din Khan from one wife ; Ghulam Rasul Khan, Ghulam Mohammad Khan, and Sher Ali Khan from the second.<sup>1</sup> The first being the eldest, became the Chief or as he was styled the Rais of Kunjpura, Nawab Rahmat Khan died in 1832 leaving four sons..... Bahadur Jang Khan, who became the Rais. Ghulam Ali Khan Shahbaz Khan and Jan Baz Khan. Bahadur Jang Khan died in 1823 without heirs and therefore his younger brother, Ghulam Ali Khan, was recognized as the Rais of Kunjpura by Government.<sup>2</sup>

#### (A) Relating to the division of Chiefship.

Ghulam Mohy-ud-din Khan, the second son of Nawab Gulsher Khan remained a source of trouble to the Kunjpura ruling house all his life. He had been awarded one-third of the entire principality of Kunjpura in 1811, by an award of the arbitrators<sup>3</sup>.....the fort and town of Indri and the village of Biana.<sup>4</sup> The arbitrators had been appointed by C. Metcalfe. About the award, Clerk says : " It does not appear what motives had led the arbitrators.....to allot to the second son, Mohy-ud-din, of one-third of the principality. But no one denies that such a portion was vast deal more than reason or justice or by the usage of the family, he was entitled to....."<sup>5</sup> Ochterlony also admitted that the award was most unjust and that Mohy-ud-din got more than

1. B. N. 36, L. N. 66.— and P. 225 from the replies of the Rais to the queries put by Political Agent, Ambala.

2. *Ibid.* Clerk to Metcalfe, October 23, 1835, B. N. 81, L. N. 121.

3. Clerk to Fraser, December 14, 1832, B. N. 78, L. N. 82.

Clerk to Metcalfe, December 19, 1836, B. N. 82, L. N. 173.

The arbitrators were Nawab Nijabat Ali Khan and Faiz Talab Khan.

4. B. N. 36, P. 225.—When the claim of Shah Baz Khan, the younger brother of Rais Ghulam Ali Khan, was in dispute, queries were addressed to the Nawab who sent his replies ( P. 223—232 ) and also to Ghulam Mohy-ud-din Khan who sent his ( P. 223—239 ).

5. Clerk to Fraser, December 14, 1832, B. N. 78, L. N. 82.



his right and that such a portion was against the Mohammadan Law and opposed to the usages of the Kunjpura family.<sup>1</sup>

This arrangement, so unfair to the ruler of Kunjpura, lasted only during the life time of Ghulam Mohy-ud-din Khan. He was succeeded by his son, Muhammad Yar Khan at his death on January 24, 1841.<sup>2</sup> Clerk discussed the whole question very thoroughly once again and wrote that he had been earnestly trying to effect an amicable adjustment between the advisers of the child of the deceased and the Chief of Kunjpura". He was definitely of the view that Ghulam Mohy-ud-din Khan had been given a mere provision, though a very liberal one, which was "entirely for the purpose of providing him with a proper maintenance and not intended to have the appearance even of

1. B. N. 36, P. 226.

Also see Griffin's "Chiefs and Families of Note in the Punjab",  
Volum I. P. 18—19.

Edwards to Clerk, May 17, 1841, B. N. 128, L. N. 83.

Clerk replied on May 23, 1841, observing that he had tried to avert litigation between Yar Muhammad and the Rais of Kunjpura. His object was to remove the cause of the ancient animosity prevailing between his father and the Chief of Kunjpura. He added: "My advice to the agents of the deceased has been to abandon a portion of his extra-ordinary provision and to the Chief to consent freely to maintain still out of respect to the character of the deceased the amount of his child's provision on a scale superior to that of the other branches of the family" - B. N. 83, L. N. 173.

2. Edwards, the Assistant Secretary at Agra, wrote to Clerk that Muhammad Yar Khan wanted to receive "some mark of recognition from the British Government as his father did in his life". He added "As Ghulam Mohyuddin Khan was in possession of one-third of Kunjpura, his demise would appear to be an event of sufficient importance..... No intimation of the event has, however, as yet been received from you..... and you are requested to furnish the usual report giving your opinion as to whether the wish of the present incumbent.....should be complied with or otherwise".

a division or a separation of a share, to him from the property of Gulsher Khan.<sup>1</sup>

On the other hand, Ghulam Mohy-ud-din had thought himself to be a small Chief, invested with the Chiefship of one-third of the Kunjpura estate. So Clerk observed :<sup>2</sup> "It seems to me that there is

1. Clerk to Thomason, July 21, 1841, B. N. 152, L. N. 16.

According to Clerk, this had been the cause of much ill-will between the two branches of the Kunjpura family ; he pointed out to Thomason that Mohy-ud-din and his brother Nawab Rahmat Khan had quarrelled and so arbitration had to be arranged. In regard to the opinion that the share of Ghulam Mohy-ud-din was a provision, Clerk quoted the opinion of Fraser but he added : "....both my predecessor Captain Murray and myself have seen and felt that, that Mohy-ud-din considered he had obtained a share of the principality and hence this office has ever since born frequently engaged in investigating or preventing the mischievous consequences of his constant endeavours and occasional claims to assume a share also of the authority of the Chief. These consequences it is exceedingly difficult in such cases effectually to obviate ; it requires more constant vigilance than can be brought to bear and where as in this case the usurper is clever and ambitious and his opponent.....as his nephew.....the present Chief has proved to be, a man of very mean abilities, the difficulty of preserving the Chief's rights from encroachment is much enhanced".

The Court of Directors also declared that Ghulam Mohyuddin's share was "not a share of the estate but a mere assignment for his support". ( B. N. 132, L. N. 24 ).

2. Clerk to Thomason, July 21, 1841, B. N. 152; L. N. 16.

"A very short acquaintance with the family ..... convinced me that the decision of the arbitrators in 1811 was an unfortunate one .....it did not however appear to be a case for reconsideration during the lifetime of Mohyuddin Khan but I have always considered that his death whether or no he left a son, would afford a fit occasion for enquiring how far the circumstances ..... would admit of a reduction of its kind".

no good middle course in these cases. If the British Government would maintain the petty Chiefs in the rights which it finds them enjoying, the appeals of younger brothers to its intercession should never be listened to, beyond the point of securing to them such amount of provision as the usage of the family sanctions and should the rate not have been uniform, it would be well to choose the lowest. Thus is the efficiency of the Chiefship upheld and the Chiefship should be regarded as a thing to be made subservient to the purposes of the paramount state."

Therefore, he recommended (should the Lieutenant-Governor agree with his view) that 7 wells and the villages of Biana should be given to Mohammad Yar Khan while the rest of Ghulam Mohy-ud-din's Jagir was to revert to the Chiefship of Kunjpura.

Thomason, after acknowledging the letter of Clerk, conveyed the orders of the Lieutenant-Governor, as follows:—

".....the child in question has no greater claim to a share of the patrimony than any other cadet of the family. His Honour concurs with you in considering that a portion of the land you propose assigning him will be a suitable provision for his maintenance while the remainder will revert to the Chiefship". This award was also

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2. Thomason to Clerk, August 4, 1841, B. N. 128, L. N. 129.

On August 28, 1841, Thomason once again wrote to Clerk that he should inform Yar Muhammad Khan that the Lieutenant-Governor saw no reason to depart from the decision already passed on his case. (B. N. 128, L. N. 114).

approved by the Court of Directors.<sup>1</sup> In this way Clerk was able to rectify the mistake made in the assignment of one-third of the Kunjpura estate to a younger brother, Ghulam Mohyuddin Khan.

In the days of Clerk, one more attempt was made to dismember the Chiefship. The reigning Nawab, Ghulam Ali Khan had two younger brothers, Shah Baz Khan and Jan Baz Khan. Shah Baz Khan, following the example of his uncle Ghulam Mohyuddin Khan, preferred a claim to an equal share of the estate with his elder brother.<sup>2</sup> The Rais proposed to assign to the claimant five wells of land besides some monetary help and invited him to live with him. The Rais had pointed to Clerk that he himself, in the life-time of

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1. In 1843, Thomason forwarded an extract of Para 60 from the Court of Directors' report No. 30, dated December 30, 1842, which was to the following effect:—

“The provision in land enjoyed by Ghulam Mohyuddin Khan was not a share of the estate but a mere assignment for his support, as he himself strenuously maintained when he had a purpose to serve by doing so. The assignment appears to have been disproportionately large and his son had no claim to the continuance of the full amount. We agree with the Lieutenant-Governor that the provision (in land) proposed by Mr. Clerk in his letter dated July 21, 1841, being rather more than half that of Mohyuddin, is as much as with reference to the revenues of the Kunjpura estate and the number of persons entitled to support from those revenues could with propriety be assigned to the present claimant” B. N. 132, L. N. 24, February 25, 1843.

2. According to Griffin, Shah Baz Khan laid claim to one-third of the estate (Punjab Chief, Volume I, P. 19). But Clerk says in the letter that he claimed an equal share; later on, it seems, he reduced his demand.

Clerk to Fraser, August 22, 1834, B. N. 80, L. N. 139.

Metcalfe to Clerk, July 23, 1834, B. N. 36, L. N. 61.

Metcalfe to Clerk, August 3, 1836, B. N. 36, L. N. 66.



his elder brother, Rais Bahdur Jang Khan, had been given five wells for a provision, and the Rais believed that that should be the provision of a younger brother.<sup>1</sup> Clerk advised Shah Baz Khan to accept the offer of his elder brother. But he persisted in claiming at least one-third of the Estate if not more and so had to be informed by the Political Agent that he had no authority for making such a partition. He remarked to Fraser:<sup>2</sup> "If the Kunjpura lands are regarded as private property, no time should be lost in subjecting this inheritance to the rules of the Shariat. But if it be deemed expedient to maintain the Chiefship and the Chief in respectability and authority, the provision for his brother should be left in a measure to his discretion."

Shah Baz Khan again presented a petition two years later in December, 1836,<sup>3</sup> and gave the instance of his uncle Mohy-ud-din Khan. But Mohy-ud-din was the only full brother of Nawab Rahmat Khan while Shah Baz Khan had one more younger brother Jan Baz Khan. Shah Baz Khan also cited the case of Karam Sher Khan whose estate was equally divided between his two sons ... Ghulam Nabi Khan and Nizam Ali Khan. But Clerk's contention was that Karam Sher Khan was not the Chief of a principality and that it was an equal partition of an estate. The reply, so cogent and clear, which Metcalfe gave, was as follows:—<sup>4</sup>

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1. Ghulam Mohy-ud-din desired that Shah Baz Khan and Jan Baz Khan should be given a share of the estate (B. N. 36, p. 237). The Rais was of the opinion that the younger brothers had no claim to a division of the estate, as it would mean a diminution in the importance of the Chiefship. (p. 230.)

2. Clerk to Fraser, August 22, 1834, B. N. 80, L. N. 139.

3. Clerk to Metcalfe, December, 19, 1836, B. N. 82, L. N. 173.

In this letter also, Clerk says that Shah Baz Khan claimed to obtain a moiety (i.e. one half) or one-third of Kunjpura.

4. Metcalfe to Clerk, December 12, 1836, B. N. 36, L. N. 100.

"I.....apprize you that in the opinion of the Honourable the Lieutenant-Governor, N. W. Provinces, Kunjpura must be regarded as a principality and that the younger branches must depend upon the elder for support, the amount of their provision being regulated by the custom of the family ; you are requested to make the necessary communication to the parties concerned." In the face of these instructions, the claim of Shah Baz Khan was disallowed and he was granted the provision already proposed by his elder brother. In 1840, he again appealed against the award but the Governor of Agra refused to make any change in it.<sup>1</sup> Clerk and Government thus tried to preserve the Chiefship of Kunjpura entire and grant to the younger sons only a bare maintenance.....the principle applied to Patiala, Nabha and Jind.

#### (B) Relating to maintenance.

As said earlier, Nawab Gulsher Khan, the father of Rahmat Khan and Ghulam Mohy-ud-din Khan, had left three younger sons..... Ghulam Rasul Khan, Ghulam Muhammad Khan and Sher Ali Khan. In 1821, Birch allotted for their provision Rs. 240 a year.....Rs. 1600, two-thirds of the allowance, to be paid by the then Rais Rahmat Khan and Rs. 800 one-third to be contributed by Mohy-ud-din,

#### 1. Metcalfe to Clerk, June 18, 1840, B. N. 126, L. N. 119.

In 1840, Shahbaz Khan presented a petition to Governor Agra who referred it to Metcalfe at Delhi. The latter observed : "I consider that the amount of provision made by the Chief of Kunjpura for his younger brother to be sufficiently liberal and that any further interference on our part will lead to much confusion and tend to prolong the bad feeling existing betw. en the brothers. Shahbaz Khan is encouraged in his opposition to his elder brother by the uncle Ghulam Mohy-ud-din Khan and so long as he evinces his present hostility to the Chief, he cannot expect to be more favourably considered (Metcalfe to Thomason, June 1, 1840, B. N. 126, p. 274). Thomason replied : ".....I am directed to inform you that the Lieutenant-Governor concurs in the view of the case taken by you and sees no reason for interfering in the matter".

according to the proportion of the estate, both the elder brothers were holding. When Mohy-ud-din's case was arbitrated, as Clerk pointed out, Metcalfe was not aware of the existence of these three brothers. However, when they grew up, they appealed to Ochterlony who was of the opinion that the two elder brothers-Rahmat Khan and Ghulam Mohy-ud-din Khan ought to support their three younger brothers in the proportion given above.<sup>1</sup>

Strangely enough Mohy-ud-din Khan refused to pay his share of the allowance.<sup>2</sup> He went to Delhi and there pleaded to be exempted

1. Clerk to Fraser, December 14, 1832, B. N. 78, L. N. 82.

Clerk added : "This mode of providing for the then younger brothers..... is stated by Sir David Ochterlony in the full conviction that Mohy-ud-din attained more than his right and . . . . . that the arbitration went deliberately to divide the entire principality, as left by Gulsher Khan between his two elder sons, without at all adverting to the existence of the three younger . . ."

Also see, B. N. 21, L. N. 131.

2. Ross to Swinton, February 25, 1822, B. N. 70, L. N. 101,

A Ross to Captain Ross, November 8, 1822, B. N. 22, L. N. 149.

Fraser to Ross, December 29, 1822, B. N. 22, L. N. 164.

First Assistant Delhi Residency to Murray, April 13, 1826, B. N. 26, L. N. 70.

Ghulam Rasul Khan also claimed arrears of allowance (B. N. 25, L. N. 23).

Ross wrote to Middleton that in the event of the refusal of Nawab Ghulam Mohy-ud-din Khan to bear any expense of maintaining his younger brothers, he would proceed to sequester his share in the principality. (B. N. 70, L. N. 133).

On July 2, 1832, Ross again reported to the Resident that Ghulam Mohy-ud-din Khan had refused to pay his share of contribution to his brother and also commented on the conduct of Fraser, an officer of Delhi Residency, in interfering in the case and receiving representations from the Nawab (B. N. 70, L. N. 174).

Also see B. N. 25, L. N. 65, and 96, April 2, and May 16, 1825.



from such contribution, contending that his share of one-third of the estate was merely a provision.<sup>1</sup> Accordingly in 1823, the award was modified. The allowance was reduced from Rs. 2400 to Rs. 1500 and was henceforth to be paid by the Rais and his successors only, while Mohy-ud-din was to contribute nothing.<sup>2</sup> But even this was not paid till 1824 when Bahadur Jang Khan, the then Rais, was threatened with an attachment of his estate by Government.<sup>3</sup> It was only then he paid the allowance and cleared all the arrears.<sup>4</sup>

Nawab Gulsher Khan had given five wells of land which Ghulam Rasul Khan claimed as his exclusive possession to the prejudice of his two younger brothers.<sup>5</sup> The grant was said to have been made by Gulsher Khan for the life of Ghulam Rasul and so the former could have resumed or modified it.<sup>6</sup> The grant was renewed by Nawab

1. Clerk to Metcalfe, December 19, 1836, B. N. 82, L. N. 173.

Fraser wrote a letter on behalf of Ghulam Mohy-ud-din Khan urging modification of the previous order ( B. N. 21, L. N. 76 ) Ochterlony protested against his interference in the dispute ( B. N. 22, L. N. 91-A ).

Also see, B. N. 23, L. N. 37.

2. Clerk to Fraser, December 14, 1832, B. N. 78, L. N. 82
3. *Ibid.* Murray had been asked to speak to the Nawab of Kunjpura to pay the allowance of the brothers more regularly.

B. N. 26, L. N. 198, September 24, 1826.

B. N. 27, L. N. 226, September 12, 1827.

4. Murray to Elliott, May 30, 1825, B. N. 72, L. N. 756.
5. B. N. 78, L. N. 82. According to Ghulam Ali Khan, Nawab Gulsher Khan had allotted the five wells for the support of his family. The Rais further observed: " If it had been his intention, therefore, to give this land to Ghulam Rasul Khan, he would surely have given a suitable provision to the two younger sons. For fifteen years, the land was enjoyed in common by the three brothers ". He further stated that those wells had been taken by Nawab Rahmat Khan, but restored by Bahadur Jang Khan; Ghulam Muhammad Khan, one of the three brothers, was on bad terms with the other two and so they had refused to give him his share. ( B. N. 36, p. 229 ).

Ghulam Mohy-ud-din Khan contended that the five wells had been given to Ghulam Rasul Khan only by his father. ( *Ibid.*, p. 237 ).

6. Fraser to Clerk, December 23, 1832, B. N. 32, L. N. 132.



Rahmat Khan and Nawab Bahadur Jang Khan, the Chiefs of Kunjpura who followed Gulsher Khan. Ghulam Rasul Khan himself acknowledged the right of those Chiefs to renew the grant ; following this rule, urged Fraser, the present Nawab Ghulam Ali Khan had the right to resume the grant or continue it.<sup>1</sup> He added : " It consists of land forming part of the hereditary estate of the Chief and I do not see how any one Chief can alienate it or grant it for a longer period than his life."<sup>2</sup>

The whole case was brought up before Clerk in 1832. Ghulam Rasul himself came to Ambala: his two younger brothers were also asked to come.<sup>3</sup> Then the English Agent proceeded to the examination of the documentary evidence, produced by both the parties ; Ghulam Rasul Khan submitted copies of two documents, showing that five wells of land were his " undivided property " ; the documents had been executed by his father Gulsher Khan and his eldest brother, Rais Rahmat Khan ; the two younger brothers of Ghulam Rasul presented another document, signed by Rais Bahadur Jang Khan, their nephew and the eldest son of Rahmat Khan, which proved that the income from wells.....Rs 500 a year, and the allowance of Rs. 1500 per annum, were to be equally divided among Ghulam Rasul and his two brothers. However, the contention of Ghulam Rasul Khan was accepted by Clerk and Fraser, the Nawab being directed to pay him all arrears and make over the land in question.<sup>4</sup> The two younger brothers of Ghulam Rasul denied the

1. Fraser to Clerk, December 28, 1832, B. N. 32, L. N. 132, p. 472-A and 472-B. He had become the Nawab after the death of his elder brother Bahadur Jang Khan ( B. N. 28, L. N. 213 ).

2. B. N. 32, L. N. 132, and p. 472-A — 472-B.

3. Clerk to Fraser, December 14, 1832, B. N. 78, L. N. 82.

4. *Ibid*, and Fraser to Clerk, December 28, 1832. B. N. 32, L. N. 133.

Clerk thus explained the decision he had arrived at : " It was the consideration that less weight was due, supposing them all to be authentic, to the more recent instrument appearing to have been executed by the last Rais than the documents purporting to have been the deeds of his two predecessors which rather inclined me to form an opinion favourable to the claims of Ghulam Rasul Khan.

authenticity of their brother's documents and produced the original receipts in the name of all the three brothers, for arrears of money—provision received from the Rais as well as for the revenues of the five wells. But Clerk declared that all the documentary evidence was of a most conflicting nature and hence of no value, with the exception of receipts of revenue from the five wells by the three brothers. So Clerk finding himself in a fix desired both the parties to abide by the decision of the Rais, whatever that might be.<sup>1</sup>

Fraser suggested a good solution. Five wells were to be given to Ghulam Rasul Khan, but his share in the Cash pension was to be proportionately reduced. As the income from the wells was five hundred rupees and the cash pension fifteen hundred rupees, the total amounted to two thousand rupees. If it were divided equally, between three brothers, each would get Rs. 666/10/8. Thus Ghulam Rasul, who had been given five wells worth five hundred rupees, was to get only Rs. 166/10/8, from the allowance granted by the Rais, so that his total income would not exceed the share of his two brothers.<sup>2</sup> Accordingly, Clerk wrote to Nawab Ghulam Ali Khan requesting him to put Ghulam Rasul Khan in possession of the lands in question and to account to him for all the arrears of their revenues.<sup>3</sup> The two younger brothers, Ghulam Muhammad Khan and Sher Ali Khan, were informed of the mode of division, proposed by Fraser, which gave equal maintenance to all the three.

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1. Clerk to Fraser, December 14, 1832. B. N. 78, L. N. 82.

2. Fraser to Clerk, December 28, 1832, B. N. 3, L. N. 132, and also B. N. 36, p. 229. Fraser suggested this solution in his letter to Ghulam Ali Khan of Kunjpur.

3. Clerk to Fraser, January 21, 1833, B. N. 79, L. N. 1.

Ghulam Rasul Khan was in debt and he was asked to assign a certain portion of his allowance to his creditors. B. N. 80, L. N. 90.

### (3) PARTITION DISPUTES RELATING TO MALERKOTLA

There were three important disputes, relating to the estates in Malerkotla—the first two showed the superiority of the claims of the brothers over those of the widows, while the third is in a class by itself.

(a) The first dispute occurred between Sahib Jan, the widow of Faiz Ullah Khan and his brother, Faiz Talab Khan.<sup>1</sup> These two brothers were possessed of an estate yielding about Rs. 5000 annually. Sahib Jan claimed the estate of her dead husband. Clerk recommended that the claims of Faiz Talab Khan should be considered favourably and cited a similar case in the family (of September 1830) in which Murray had considered the claims of the surviving brother superior to those of the widow.<sup>2</sup> Fraser replied that the estate should be disposed of in conformity with the Mohammadan Law, unless there was any family usage to the contrary.<sup>3</sup>

Clerk wrote again : "I observed that the Pathans of Malerkotla have on several occasions of submitting their differences to the mediation of the Supreme Government protested against the dictates of Mohammadan Laws of inheritance. The records of the cases that have been brought before the British Government by the Pathans of Malerkotla show that the supreme Government and the local authorities have frequently admitted the plea which the Pathans have offered against being subjected to decisions founded on the rules of the Sharrah."<sup>4</sup>

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1. Clerk to Fraser, March 15, 1832, B. N. 78, L. N. 15. See also Griffin (The Punjab Chiefs, Volume II, p. 529).

These two were the sons of Fateh Khan, the son of Nawab Bhikan Khan and thus cousins of the ruler of Malerkotla, Nawab Amir Ali Khan.

2. Clerk to Fraser, March 15, 1832, B. N. 78, L. N. 15, also Clerk to Metcalfe, January 11, 1837, B. N. 83, L. N. 3.
3. Fraser to Clerk, June 14, 1832, B. N. 32, L. N. 40.

Fraser also forwarded a copy of his letter to Government (B. N. 32, p. 143-44), and the reply he had received. (p. 145-46).

4. Clerk to Fraser, July 30, 1832, B. N. 78, L. N. 46.



Clerk quoted the case of the inheritance of Nur-un-Nissa, the widow of Mohammad Ali Khan who died in 1823, when the rules of the ' Sharrah ' were not observed.<sup>1</sup>

In his case,<sup>2</sup> the Rais and other Afghan Chiefs like Rahmat Ali Khan were unanimously against the claims of Faiz Talab Khan. They also protested against the use of Mohammadan Law as subversive of the prior usage in force among them. The reason of the " apparent concord " was, as Clerk points out, that Sahib Jan, the rival claimant, was the sister of the Rais while Rahmat Ali was dissatisfied on account of the rejection of the claim of his daughter, Sahib-un-Nissa, to the estate of her dead husband, Sultan Ali Khan, in favour of the surviving brother.<sup>3</sup> The Rais even exhibited a deed of partition between the deceased Faiz Ullah Khan and his brother Faiz Talab Khan to prove that the latter had no right to the estate of the former.

In spite of his best efforts, Clerk could not prevail upon either Sahib Jan or Faiz Ullah Khan to come to any arrangement. She demanded a moiety of her dead husband's estate for her ' *guzara* ' as the least her brother, the Rais, would sanction her accepting.<sup>4</sup>

1. Clerk to Fraser, July 30, 1832, B. N. 78, L. N. 46.

In a letter of December 5, 1833, Clerk forwarded a communication from the ruler of Malerkotla protesting against the adoption of Sharrah for regulating the succession to property " and gave the example of his own succession to Chiefship. Clerk observed : " The Supreme Government in 1824 disapproved the recommendation of the Governor-General's agent at Delhi that the rules of the Sharrah should be followed in disposing of the question relating to the estate of Nur-un-Nissa Begum " B. N. 79, L. N. 185.

2. Tura Raz Khan, the surviving elder brother of Sultan Ali Khan and the declared heir to his estate, was against Sahib-un-Nissa's claim. As Clerk remarked, there was no want of precedents on either side.

3. The case is discussed as (B) below. There was no love lost between Rahmat Ali and the Rais, and this Concord was prompted by self-interest.

4. Clerk to Malerkotla, August 1, 1838, B. N. 83, L. N. 73.



Faiz Ullah Khan proposed to give only Rs. 1200. At last, after a great deal of persuasion on the part of Clerk, the Rais agreed to accept Rs. 2100 per annum for his sister<sup>1</sup> and before the Political Agent, "signed an acknowledgment of her acceptance of the provision." The British Government only desired that the allowance granted to Sahib Jan should be proportionate to her dignity as the sister of the Rais.<sup>2</sup> When Clerk informed the Government that the allowance would be Rs. 2100, the figure was accepted by the Supreme Government,<sup>3</sup> and Faiz Talab Khan was allowed to succeed to the estate

(b) **The Estate of Sultan Ali Khan.**

Sultan Ali Khan and Tura Baz Khan were full brothers, possessing an estate of Rs. 10,000 a year. The former died in 1828, without male issue and his widow Sahib-un-Nissa, daughter of Rahmat Ali Khan, and his elder brother, Tura Baz Khan, claimed his portion of the estate.<sup>4</sup> Murray, the Agent at Ambala, and Hawkins the Resident at Delhi, had given their opinion in favour of Tura Baz Khan and required him to give a maintenance of Rs. 100 per month to his brother's widow.<sup>5</sup> The decision had been unpalatable to the supporters of Sahib-un-Nissa, especially to

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1. The revenue of the estate was estimated as Rs. 6100 by the Rais but only Rs. 5600 by Faiz Talab Khan.

2. Metcalfe to Clerk, February 15, 1838, B. N. 38, L. N. 7.  
Macnaghten to Metcalfe, February 14, 1838, B. N. 38, p. 23.

3. Metcalfe to Clerk, August 27, 1838, B. N. 38, L. N. 54.  
Macnaghten to Metcalfe, August 15, 1838, B. N. 38, p. 267.

As observed in the beginning of the Chapter, Government was not in favour of female succession.

4. B. N. 38, p. 403.

5. Murray to Hawkins, September 2, 1830, B. N. 76 L. N. 303.  
Hawkins to Murray, September 18, 1830, B. N. 50, L. N. 74.  
Martin to Murray, April 28, 1831, B. N. 31, L. N. 26.

her father, Rahmat Ali Khan. When Fraser was the Governor General's Agent at Delhi and Clerk, in the Agency Office at Ambala, she appealed against the decision, but neither of the two proposed to interfere with the existing arrangement. Similarly Metcalfe refused to cancel the order of Fraser, his predecessor, when the widow again appealed.<sup>1</sup> At last the case went to the Court of Directors and they were of the opinion that the decision by which the widow of Sultan Ali Khan was excluded in favour of his brother, the other share-holder in the estate, was erroneous, as the family usage was in favour of the widow's claim.<sup>2</sup> They further observed that "the usages of this and other families on the subject of inheritance are scarcely ever so fixed that precedents cannot be found on both sides of a question and such seems to be the case in this instance"<sup>3</sup> But, the Court of Directors, though saying that she had a better claim than her brother-in-law, did not think that she had sustained positive injustice. They directed that Sahib-un-Nissa should "receive by way of compromise the largest possible provision in land or in money, which the estate can reasonably afford".

1. Metcalfe to Clerk, April 24, 1837, B. N. 37, L. N. 42.

The matter had been agitated in 1831 but Martin, the Resident at Delhi, did not consider the right of Sahib-un-Nissa to succeed to her late husband's estate to be so well established by the usage of the family of Malerkotla as to justify him in modifying the decree passed by Hawkins on Murray's recommendation.

2. Metcalfe to Clerk, December 13, 1838, B. N. 38, L. N. 87.

Extract from a letter No. 48, from the Honourable the Court of Directors, dated August 22, 1838, (p. 407).

Metcalfe to Mansel, April 8, 1837, B. N. 38, p. 408-10.

3. Metcalfe to Clerk, December 13, 1838, B. N. 38, L. N. 87.

Torrens to Metcalfe, December 5, 1838, B. N. 38, p. 406.

Extract of a letter from the Court of Directors, No. 48, of 1838, dated August 22, 1838, p. 407.

Metcalfe to Mansel, April 8, 1837, B. N. 38, p. 408-09.

Turabaz Khan willingly agreed to give the increased provision as is apparent by a letter which Clerk addressed to Metcalfe.<sup>1</sup> the maintenance was increased from Rs 1200 to Rs. 1500 a year, the greater part of which was assigned in land. The political Agent considered it quite adequate as the estate was worth only Rs. 5050, per annum; the Rais of Malerkotla also thought it to be sufficient. Clerk, therefore, recommended it to Government. Metcalfe expressed his gratification and approved of the maintenance.<sup>2</sup> Tura Baz Khan thus got the estate in preference to the widow.

(c) The Estate of Nur-un-Nissa.

Muhammad Ali Khan<sup>3</sup> was a member of the fraternity of the Pathans of Malerkotla. On his death, the estate was divided between his two widows-Nur-un-Nissa and Sultan Bibi. On the death of the former her share of the estate was given to the ruler of Malerkotla. This occurred in 1823.<sup>4</sup>

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1. Clerk to Metcalfe, April 20, 1839, B. N. 82, L. N. 114.
  2. Metcalfe to Clerk, May 6, 1834, B. N. 39, L. N. 25.  
Maddock to Metcalfe, May 1, 1839, B. N. 39, p. 289.
  3. According to Griffin, Muhammad Ali was the grand-son of Nawab Jamal Khan who died in 1759—"Chiefs of the Punjab, Volume II, p. 529.
  4. Elliott to Murray, December 18, 1823, B. N. 73, L. N. 219.

It is one of the longest and the most confusing cases on record in the history of the Ambala Agency. It started in 1823, eight years before Clerk's assumption of office, and lasted till 1838; scores of letters were exchanged between Malerkotla, Ambala, Delhi and Calcutta. Nur-un-Nissa died in 1823 leaving her estate which comprised Buzynub, Nurbaksh, Nathumajra and a percentage of town duties of Malerkotla.....her share in last being declared to be only 5 per cent. At first in 1823, all this was given to the Rais as head of the family; later on, his share was reduced to two-fifths, while the three-fifths went to the other three claimants. Buzynub and Nurbaksh had been already partitioned before among the Pathan brethren, the claimants to her estate, but the Rais had deprived them of their share, later on he was compelled to restore the status quo. Government refused to disturb the

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In 1827, the supreme Government reversed its decision and the estate was directed to be divided among the Pathan brethren of Malerkotla.<sup>1</sup> The principle adopted was the division of her estate into five parts; two parts were given to the Chief and one part to each of the three descendants of Jamal Khan.<sup>2</sup> Her personal property was also to be divided in the same proportion. When called upon to surrender the personal property of Nur-un-Nissa, the Rais replied

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partition. There was some dispute about Nathumajra, claimed by Rahmat Ali Khan but Government ordered it to be divided with her share of the town duties. Her personal property had been given to the Rais in 1828 who refused to part with it, in spite of Government's desire to divide it among the various claimants.

See B. N. 23, L. N. 219, B. N. 27, LL. N. 161A, 209, 243, 266 and 281, B. N. 28, LL. N. 15, 38 and 150. B. N. 30, LL. N. 93A and 94 and the memorandum of Blake, B. N. 30, pp. 160-95.

It is apparent that Government was actuated by a desire to give uniformity to the laws of succession in Malerkotla. Nur-un-Nissa's heirless estate was equally divided among various claimants with a double share for the Rais, who was the head of the family. Later on, even this distinction was to go. All such estates were, in future, to be divided equally.

1. See Hislop to Murray, June 17, 1827 B. N. 27, L. N. 161A, and November 25, 1827, B. N. 27, L. N. 281.

Clerk to Fraser, August 15, 1834, B. N. 80, L. N. 123.

2. Murray to Colebrooke, March 3, 1828 B. N. 75, L. N. 30.

Colebrooke to Murray, March 7, 1828, B. N. 28, L. N. 38.

As early as August 23, 1827, Colebrooke had written to Murray that the estate should be partitioned between all the descendants of Jamal Khan and that none of the members of the family should be excluded from the share; the order was to be strictly enforced (B. N. 27, L. N. 209). Also see B. N. 28, L. N. 120-A.

Although Rahmat Ali Khan expressed his dissatisfaction against this award which gave a larger share to the Rais, yet Government refused to change it as far as Nur-un-Nissa's property was concerned.

See Hawkins to Swinton, April 1, 1828, B. N. 38, p. 133.

Swinton to Hawkins, May 23, 1830, B. N. 38, p. 147.



that he had enjoyed it for four years under the decree of the Supreme Government and that he could not produce the personal effects.<sup>1</sup> Colebrooke, the Resident at Delhi, in reply to a letter of Murray, had expressed his reluctance to enforce this demand as after such a lapse of time no expectation could be entertained of their recovery. Clerk himself felt that it would be a great hardship to call on the Rais (in 1834) after a lapse of eleven years to restore the personal property of the deceased lady.<sup>2</sup>

But the other claimants did not want to give up their share of personal property and Tura Baz Khan and Rahmat Ali Khan again put forward their claims. Clerk's reply was the same — that it would be a case of hardship, but he was prepared to renew the demand on the Rais if Metcalfe disagreed with the above view.<sup>3</sup>

This point of hardship, Clerk reiterated in a letter to the Agent to the Governor General.<sup>4</sup> There was also dispute between the Rais and Rahmat Ali over twenty percent of the town duties levied in Malerkotla,<sup>5</sup> which had formed a part of Muhammad Ali's

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1. Clerk to Fraser, August 15, 1834, B. N. 80, L. N. 123.

2. *Ibid.*

3. Clerk to Metcalfe, November 19, 1836, B. N. 82, L. N. 171.

4. Clerk to Metcalfe, June 17, 1837, B. N. 83, L. N. 27.

5. Rahmat Ali Khan presented a petition to the Lieutenant-Governor, Agra, in which he asserted that he and his father had been receiving ten per cent

tate. In reality relations between the two were extremely strained. His bitterness, as Clerk pointed out, was due to the disappointment.

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of these duties for the past fifty-three years, *i. e.*, very much prior to the British connection and that none of the Pathan brethren had objected. He also pointed out how in 1835, Clerk had passed an order dividing the 20 per cent Customs duty of Malerkotla among various claimants and that the Agent at Delhi had confirmed Clerk's decision (B. N. 37, p. 157-60.)

Clerk, in considering the petition, discussed the question of Rahmat Ali's share of town duties in his despatch of June 17, 1837. He pointed out how twenty percent duties were assigned by Ochterlony in 1811 to the two widows—Nur-un-Nissa and Sultan Bibi—of Muhammad Ali, inspite of Rahmat Ali Khan's protest who had been in receipt of half or 10 percent of these duties. Rahmat Ali had protested in 1827 also but no heed had been paid to his protests. But he also admitted that Rahmat Ali had been enjoying the duties (10 percent) inspite of Ochterlony's decree and that he had advised the Pathan brethren to settle the dispute among themselves. As they had failed to do so, he arranged for the partition of the town duties on June 10, 1835. He also observed that had the conduct of Rahmat Ali Khan been more conciliatory towards the Chief he would have been assigned this percentage unanimously by the Pathan brethren. Clerk also referred to Blake's memorandum in which the whole case had been thoroughly discussed. (B. N. 83, L. N. 27),

In October 1837, Metcalfe forwarded to Clerk a copy of a letter of the Secretary at Agra, asking him to carry into effect "the very explicit instructions" of the Lieutenant-Governor. Ten percent of the duties were to be given to Rahmat Ali Khan provided that "the fact of possession before the commencement of our supremacy be established". Further, Clerk was directed "to confine the attachment and the division to the 5 percent possessed by Nur-un-Nissa during her life time, the order of the Government having only reference to that which was in the possession of the lady Nur-un-Nissa at the time of her decease and the seizure of what was possessed by

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ment which Rahmat Ali Khan felt over the question of chiefship.<sup>1</sup> In 1834, the attitude of Rahmat Ali to the Rais, Nawab Amir

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another before our supermacy commenced being precluded by the fundamental rule of our connection with the States." (B. N. 37, L. N. 97, October 7-1837, and Hamilton to Metcalfe, September 30, 1837, p. 340-42).

Clerk again took up the question in June 1837. He admitted that the duties claimed by Rahmat Ali had been enjoyed by his father,...Ata Ullah Khan, when he was the ruler of Malerkotla. Amir Ali Khan, the Rais of Kunjpura, contended that the duties were enjoyed because no specific appointment of the revenues had been made and that Ata Ullah Khan appropriated what ever he chose to take and that as he was the ruler, the right ought to descend to him. Rahmat Ali Khan pointed out that he had continued to enjoy the right since 1810, the year of his father's death and that his father possessed it not in right of being chief but as confirmed on him as a free gift by his nephew Muhammad Ali Khan. Clerk went on to observe that Rahmat Ali Khan had been tacitly allowed by the fraternity to enjoy the percentage unquestioned and that even Ochterlony's decree "did not tend to his being deprived of it". He agreed with the decision of the Lieutenant-Governor that the property should remain as it was in Rahmat Ali Khan's possession but requested Government to annul Ochterlony's decree, as it would continue to give rise to more squabbles in future. (B. N. 83, L. N. 26).

The Rais of Malerkotla did not appear to be satisfied with the decision. On June 4, 1838, Metcalfe advised Clerk to communicate to the Rais, who was believed to be at Ambala, "on the subject thereof pointing out to him the folly as well as inutility of troubling the Right Honourable the Governor-General in Council with repeated references on a case already fully decided", and his obstinate persistence "in urging upon his notice a case already fully decided". (B. N. 38, L. N. 26).

<sup>1</sup>. Griffin "Punjab Chiefs" Volume II, p. 532. Rahmat Ali Khan, after the death of his father, Nawab Ata Ullah Khan, in 1810, laid

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Ali Khan, became so offensive that the latter came personally to Ambala. Clerk invited Rahmat Ali also and effected a reconciliation between the two. Later on, Rahmat Ali gave further provocation and erected a separate fort. Clerk says that hostilities would have resulted had not he himself gone to Malerkotla.<sup>1</sup> Since then Rahmat Ali's conduct had been peaceable but there was no love lost between him and the Rais.<sup>2</sup>

About Rahmat Ali's claim to the personal property of Nur-un-Nissa and his complaint that Clerk had deprived him of his share

*Continued from page 103*

claim to the Chiefship, but his claim was successfully contested by Wazir Khan, the elder son of Nawab Bhikan Khan (Ochterlony to Birch, March 26, 1821, B. N. 21, L. N. 104). The British Government wanted to introduce the rule of primo-geniture in the state. So the appeal of Rahmat Ali Khan was dismissed, and succession was vested in Wazir Khan and his male heirs. (B. N. 22, L. N. 140). Rahmat Khan was very much aggrieved and regarded Wazir Khan and his descendants as usurpers. At this time Wazir Khan's son, Amir Ali Khan, was the Rais. (B. N. 81, L. N. 124, and B. N. 83, L. N. 27).

2. Clerk to Metcalfe, June 17, 1837, B. N. 83, L. N. 27.

1. In May 1838, Amir Ali Khan of Kunjpura presented a petition alleging that Rahmat Ali Khan had tyrannised over the petitioner to such a degree that he had been obliged to leave his old residence and live at Ambala. This brought a severe rebuke to him for Torrens

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for the last eleven years, the English Agent cited Murray's order that only the landed estate was to be partitioned while her personal property was to be relinquished to the estate.<sup>1</sup>

*(Continued from page 104)*

observed to Metcalfe : " It appears that the Chief acknowledges his inability to maintain his authority, although fully supported by the British Government in his own territory, an admission the possible consequence of which he should.....have maturely considered before making it, as the impression thereby produced upon His Lordship's mind cannot be favourable towards his efficiency in the character of an independent ruler ". However, an interdict was placed by the Supreme Government on Rahmat Ali Khan's residence in Malerkotla. Metcalfe authorised Clerk to speak to Rahmat Ali Khan to that effect and take an assurance from him of conducting himself in a more peaceable and respectable manner towards the head of the family. (Metcalfe to Clerk, June 4, 1838, B. N. 38, p. 132.)

Torrens to Metcalfe, May 26, 1838, B. N. 38, p. 132.

and Arzi of Amir Ali Khan to the Secretary and the Deputy Secretary, B.N. 38, p. 147—48, p. 148—49, received on May 8, 1838.

1. Clerk to Metcalfe, June 17, 1837, B. N. 83, L. N. 27. Also see B. N. 30, LL. N. 93A and 94.

Clerk agreed with the views of Colebrooke, who had observed that he was not prepared " to give any final instructions as it lay open to much discussion, both as to the extent of the property actually received by the Rais and the fairness of calling on him at such a distance of time to refund, what he considering himself authorised by the first decision of Government, to apply to his own use, might be supposed to have expended ". (B. N. 83, L. N. 27).

With this point of view, the Lieutenant-Governor did not agree and declared that he could not see " the propriety or justice of such an exemption ". He added that difficulties would be experienced but an estimate should be made and a monetary adjustment effected according to the proportion fixed by Colebrooke. Finally, the Secretary at Agra observed : ".....

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Another claim was put forward. This time the claimant was Sultan Bibi, the second widow of Mohammad Ali. Her agent wanted to inquire whether the order of the Government of 1827, partitioning Nur-un-Nissa's estate, had been carried into effect. Commenting on the claim of Sultan Bibi, Clerk said that her petition was not clear. In one part of the petition, she claimed to inherit the entire estate of her husband but this claim had been rejected by the orders of Government in 1823. In the second part, she had quoted the orders of Government of May 23, 1827, in support of her claim, which prescribed a partition of her husband's estate between the descendants of Jamal Khan and the Chief. This had been done but as Clerk observed no share had been assigned to her.<sup>1</sup> The next time, Clerk took up the case was in June 1838.

Discussing the question of inheritance of Nur-un-Nissa's personal property, he went on to say that the claim of Rahmat Ali Khan might be rejected and set at rest in consequence of the documents executed in 1833 between the Rais and Rahmat Ali Khan<sup>2</sup>.

*(Continued from page 105)*

His Honour desires it may be distinctly understood that such a scale is only applicable to the division of this particular escheat and by no means to be assumed as a precedent in future occasions.....Future cases of dispute will be decided as may seem to be most equitable". (B. N. 37, p. 340—42).

This was due to the petition presented by Rahmat Ali Khan in which he referring to the property left by Nur-un-Nissa, had reminded the Agra Government of Murray's promise, that it would be divided in conformity with the orders of the Supreme Government, adding that it had not been done by Clerk. (B. N. 37, L. N. 52, p. 163—64, May 20, 1837).

Naturally, the Rais, Amir Ali Khan protested against the award of the Lieutenant-Governor. (B. N. 38, p. 147—48).

1. Clerk to Metcalfe, August 10, 1837, B. N. 33, p. 62.

As Clerk said, she had enough.....a moiety of a village and 5 per cent share of the town duties and that was adequate maintenance ; he added that she was being instigated by Rahmat Ali Khan.

2. Clerk to Metcalfe, June 17, 1838, B. N. 33, L. N. 69.

That shows what sanctity was attached to such document by parties concerned.

The first document admitted that ten percent town duties had continued to be the share of Rahmat Ali Khan since the life-time of Nur-un Nissa and the Rais had agreed to relinquish it for the future. The second proved that this share was a part of the estate of Mohammad Ali, the husband of Nur-un-Nissa. The third document was executed by Rahmat Ali Khan foregoing his right to the personal property of Nur-un-Nissa, which was to vest in the Chief.<sup>1</sup> But the final decision came a few weeks later, when Metcalfe forwarded to Clerk all relevant letters. Thus it was only in August 1838 that this ticklish question, which had been hanging fire since 1823, was solved.<sup>2</sup>

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1. Another dispute between Rahmat Ali Khan and the Rais was on the claim of one Sarfraz Khan, the son of Imam Ali, the brother of the former who died in 1839. As the claimant was the son of a prostitute, therefore, he deserved only an assignment and not any inheritance. Clerk had at first agreed in giving him a share of the inheritance, as the Rais was in favour of such a decision. Clerk wanted that Rahmat Ali and the Rais should come to an understanding between themselves as it was a family question. Later on, the Rais also came round to the view of an assignment and as a special case, Sarfraz Khan was given a maintenance of Rs. 800—the amount given to the other three widows of Imam Ali Khan—Clerk to Thomason, August 19, 1841, B. N. 152, L. N. 30.

Clerk again referred to Sarfraz Khan's claim in a letter of July 20, 1842. However, he refused to modify or change his award. (B. N. 154, L. N. 21.)

2. Metcalfe, on June 20, 1838 (B. N. 38, L. N. 29) forwarded a letter from Torrens, the Deputy Secretary to the Government to the ruler of Malerkotla (B. N. 38, p. 165—66) in which it was clearly written that his Lordship did not see any grounds for cancelling the final orders passed by the Lieutenant-Governor in the case. Torrens further wrote: "It would not only be a very great impropriety in altering the decisions of the proper authorities and that I am also aware that it would be indelicate to interfere in the discharge of their duties."

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In the end I might add that the details of the various succession disputes, as related in the foregoing pages, show how Clerk had to contend against one fundamental difficulty—the want of a fixed Law of succession and consequent confusion on its being modified “in accordance to the usages, interests and prejudices of different families.” Clerk displayed a great capacity for exposition and adjudication. It is true that Murray was a pioneer in this respect but his work was continued worthily by Clerk. Again and again by his masterly marshalling of facts, his lucid analysis of the claims of various heirs and by the cogent

*(Continued from page 107)*

Metcalfe gave a very lucid summary of the case in his letter to Torrens (B. N. 38, July 23, 1838, p. 229-30), a copy of which he sent to Clerk (B. N. 38, L. N. 45, August 14, 1838). According to Metcalfe, the fact of Rahmat Ali having enjoyed 10 percent in the Malerkotla town duties antecedent to the British rule was fully established. Therefore, he was placed in the possession of the same; only five percent belonging to the deceased Nur-un-Nissa and her estate of Nathumajra remained to be divided agreeably to the proportion laid down by Colebrooke approved by the Lieutenant-Governor. The personal property of Nur-un-Nissa was difficult to be estimated: Moreover, Rahmat Ali Khan had executed a deed foregoing his right to it; under these circumstances, the claim of Rahmat Ali Khan was on no account to be admitted and it was to go to the Rais. Thus the Rais got the personal effects of the deceased lady and 2 percent of town duties and two-fifths of the village while Rahmat Ali Khan secured 10 percent of duties plus his one-fifth share in 5 percent town duties belonging to Nur-un-Nissa and the same share in the village. Other claimants also received their share in the town duties and the Nathumajra. Buzynub and Nurbakhsh had already been partitioned. That, according to Metcalfe, was a very fair division between the parties; In the end he remarked; “A settlement more consistent with their claims would have been effected if made at the period of Nur-un-Nissa's demise but under the present circumstances a fairer decision on this intricate case cannot in my opinion be effected.”

Metcalfe, also forwarded to Clerk a copy of Macnaghten's letter authorising the former to carry out the arrangement already proposed by him and Clerk. (B. N. 38, p. 230, August 25, 1838).



recommendation that he made in most cases, Clerk is revealed as one who held a thorough grasp of these problems. It is seldom that Government expressed its dis-approval of his judgment and decision, his point of view, at times, being accepted in preference even to that of the Governor-General's agent at Delhi:—Ramgarh provides a good example. One cannot also help noticing the sympathetic attitude which he maintained towards certain unfortunate claimants *e.g.*, towards Bassawa Singh of Baidwan, an illegitimate off-spring.

## CHAPTER III.

### THE BRITISH GOVERNMENT AND THE PRINCIPLE OF LAPSE

A large number of states or estates lapsed to the Supreme Government in the time of Clerk, because of the failure of lineal heirs. The various principles and considerations underlying such forfeitures are discussed in this chapter. The rights of collaterals, *i.e.*, persons of common descent but by different line, are always difficult to define. The Company's Government, therefore, could not follow a consistent policy in this respect. Sometimes, it denied the right of a collateral under the Sikh Law to succeed to an inheritance ; more often it allowed a collateral to inherit. One fact, however, is clear from the correspondence, namely that the collaterals did not succeed as a matter of right. If such a right had been absolutely recognized by the Supreme Government, it could not have been able to occupy Ferozepur, Kaithal, and a portion of Jind ; however, many of the principalities had no collaterals to claim them and their escheat was lawful—Thanesar providing a good example.<sup>1</sup>

The events leading to the proclamation of 1809, by which the British took the " Cis-Sutlej Chiefs," *i.e.* the Phulkian rulers of Patiala, Nabha and Jind, the Bhaikian ruler of Kaithal and a host of other petty Chiefs under their protection, has already been described in Chapter I.

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1. Lawrence, in his Report on Kaithal, pointed out the difference between the attitude of British Government and that of any other suzerain power thus : " The protected Sikh States have ever been treated by Government in all internal questions.....as strictly sovereign states.....it has been their fortune to fall under our rule but had they a Mahratta, Pathan or Sikh monarch, it would not be a question whether men, whose ancestors had no share in acquiring certain districts, should benefit by collateral connection, with such conquerors but whether sons should succeed their fathers or rather whether the whole should not be on the footing of Jagirs held on terms of military service and resumable at pleasure." B. N. 88A; p. 343.

As Cunningham<sup>1</sup> and Griffin<sup>2</sup> have pointed out, Ochterlony, the first Political Agent, had been under the impression that only a few Chiefs existed between the Sutlej and the Jumna but he found "a host of small fraternities comprising many hundreds of the rank and file among the followers of the original conquerors who had been quartered over the country with separate villages for their maintenance and who were alike now vested with authority as independent rulers by the vague terms of proclamation of 1809."<sup>3</sup> These petty rulers often failed to keep order within their estates and what was worse, not infrequently, quarrelled among themselves. This led to the issuing of a stern warning to them in the subsequent proclamation of 1811.<sup>4</sup> This, however, hardly improved matters, so that the rule of the Chiefs continued to remain in such unsatisfactory condition as to lead the English Agents, stationed at Ambala, to form the view that the British Government should take every opportunity of extending its control over their territory. Such opportunity would naturally occur at the failure of the lineal heirs of the Chiefs. This was one circumstance resulting in the lapse of a number of Chiefships to the Supreme Government. Whenever Clerk recommended an escheat of a territory, he talked of the inhabitants benefitting from enlightened British rule. But that was not the only motive lying behind the application of the principle of lapse. The British Government was being put

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1. Cunningham, p. 144.

2. Chiefs and Families of Note in the Punjab—Volume I, p. 55—56.

3. Cunningham says that Ochterlony owned to the Marquis of Hastings in a private communication dated May 7, 1818, that his proclamation of 1809 had been passed on an erroneous idea (p. 114). Griffin gives the example of the Ambala district which had some thirty petty rulers Chiefs and families of Note, Volume I - p. 56.

4. Griffin rightly remarks : "with few exceptions, the leading families of today are the direct descendants of the conquerors of 1763, an aristocracy with no tradition but that of plunder, with no claims to respect as the scions of an ancient line, aliens and foreigners, still and with no sympathy for the people whose revenues are now guaranteed to them in perpetuity. (*Ibid*, p. 54).

to much expense and a great deal of worry since the day it had assumed the paramountcy of the Sirhind Chiefs.<sup>1</sup> It had to compensate itself particularly in the absence of any direct tribute from the states. This could only be done by taking over these principalities whenever the direct line of owners failed.

Clerk, in a letter to Metcalfe, while dealing with the petition of Sardar Sarup Singh of Bazidpur, on his claiming the Chiefship of Jind, makes a masterly exposition of the considerations underlying the whole policy of lapse.<sup>2</sup>

I have mentioned the division of the Sikhs into two big sections.....the Manjha Sikhs and the Malwa Sikhs. Generally, the former lived in the country situated to the North of the Sutlej and latter to its South. But many of the Manjha Sikhs had established themselves to the South of the Sutlej<sup>3</sup> also and Clerk wished that their acquisitions should be treated differently from those of the Malwa Sikhs. He wrote : " Unquestionably their is an essential difference and it is this : that, whereas the Phulkians<sup>4</sup> are the ancient cultivators, zemindars and latterly the proprietors of the

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1. Griffin puts the whole position in a nut-shell in one sentence: " Was it through motives of humanity and benevolence alone that the Government assumed this inconvenient and odious charge, to save from the rapacity of Ranjit Singh the Chiefs who had sought its protection p" (The laws of Inheritance to Chiefships, p. 77).
  2. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.
  3. He observed : " The remainder of these territories between the Sutlej and the Jumna, under the protection of the British Government are.....in the possession of the Manjha Sikhs, who quitting their villages North of the Sutlej in confederacies, more or less numerous, according to the extent of the conquests contemplated on the South of the river, wrested from the Mohammadan authorities the lands they now possess.....". (*Ibid*).
  4. Clerk calls the Malwa Sikhs by this name.



lands they occupy, the remainder or generally speaking, the Manjha Sikhs are those, who came sword in hand from the settlements north of the Sutlej and possessing themselves of the authority over such places on this side of the river, they could conquer, thus established their dominions". He very strongly felt that this distinction should guide the relations of the British Government with the Cis-Sutlej State. He accordingly tried to make a distinction in succession to the property or the estate of the two sections of the Sikhs ; " Were the Phulkians to be regarded in their proper character as subject land holders or Taalucedars or Tributary Rajas, and the Manjha Sikhs as the numerous members of association organized for the conquest of lands over a portion of which every individual, on the decline of Mohammadan power in the middle of the last century, established his right of sovereignty ; the former, while contributing a due share of their revenues to the support of the Supreme Government, would acquire in matters of inheritance every advantage of Jat latitude of customs and the transmission of their heirless estates, the power of consulting only their own opinions ; and the acquisitions of the latter would continue to be enjoyed by Sardars or Chiefs and their lineal descendants exempt from all tribute but liable to resumption by the Paramount Government in default of direct heirs and by no means subject to transfer to any other Sardar or Chief<sup>1</sup>". In other words, the Phulkian or the Malwa Sikhs, in the event of paying tribute to the Supreme Government, were to possess the right of giving their estates even to distant relations ; but the South Manjha Sikhs could have no such right and in the event of the failure of lineal heirs, their estates could be resumed by the paramount state. But it should be noted here that none of the Cis-Sutlej Chiefs, whether belonging to the

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1. Clerk to Metcalfe, March 23, 1836, B. N. 82. L. N. 44.

Manjha or Malwa Class, paid any tribute to the British Government. In the Article 2 of the Proclamation of 1809, they had been declared as "exempted from all pecuniary tribute to the British Government." For this reason, the distinction, pointed out by Clerk, was not accepted by the Supreme Government,<sup>1</sup> in respect to escheats, as is clear from the following : —

"On the subject of our relations with the Sikh Chieftains, the Governor-General-in-Council is disposed entirely to agree with Sir Charles Metcalfe in thinking that we are not warranted in making any distinction between the Chiefs, whose ancestors were the ancient cultivators or zamindars of the country and those descended from invaders from the north of the Sutlej. The Lieutenant-Governor observes firstly that both classes of Chiefs come under our protection under precisely the same circumstances at the same time and on the same terms——Our right to pecuniary benefit from any connection with them, must be limited to the revenue of the land which may escheat to us as to the Supreme Power.<sup>2</sup>

Clerk further developed his point by writing that the Phulkian rulers of Patiala, Nabha, Jind and Kaithal were the "mal-guzars" of the Mughals who had to pay revenue to the Imperial Treasury and were punished for non-payment.<sup>3</sup> Later on, in the middle of the eighteenth

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1. As remarked in Chapter II, Lawrence had emphatically declared that there was no difference between the practices of the Manjha and Malwa Sikhs in inheritance and succession. (B. N. 88A, p. 336).
  2. Quoted by Clerk in his letter to Thomason of March 30, 1842, B. N. 88A, L. N. 8.
  3. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

Clerk observes : "Gajpat was a *Taalugedar*. If he neglected to pay revenue to the reigning Government, he was coerced and compelled to do so. On this account Bakshi Najib Beg took him prisoner to Delhi, as in the reign of Mohammad Shah, his *Subedar* at Sirhind captured for similar reason Ala Jat, the ancestor of Patiala Raja and on the same account Abdul Hamid Khan, an officer of the Empire, seized the father of the present Chief of Kaithal, carried him to Delhi and there tortured him."

century, the Phulkian Chiefs disregarded the claim of supremacy advanced by the Mughal Government but then it had become too weak to protect them. They then had to shift for themselves. This period came to an end in 1809 when they were brought formally under the control of the British Government ; since that time the British Government had been protecting them and can be said to have taken the place of the Mughal Government. It, therefore, deserved to exercise the rights of a paramount power. Clerk wrote :<sup>1</sup> " It would be difficult to discover in what respect the British Government has proved ineffectual for the protection of these states or in any other manner failed towards them so as to deprive it of any of these rights of supremacy exercised by its predecessor in virtue of which due contributions were hence drawn in support of the expenses of the state."

There were other states, said Clerk, which contributed, in proportion to their means, to the resources of the Supreme Government and in return received protection ; it was certainly unfair, that the Phulkians should contribute nothing but receive the same protection.

Again, Clerk very strongly felt that the benefit of British rule should be extended to the people of the states whenever any chance arose. " Nothing can be conceived as more opposed to the amelioration or more regardless of the choice and feelings of people—more remote from the policy which it is expedient here to pursue in respect to them, when opportunities arise for their release, to perpetuate on them that thralldom which they hold in great abhorrance."<sup>2</sup>

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1. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. . 44.

2. *Ibid.*

Talking again about the Manjha Sikhs, Clerk said that they would be most anxious to secure the permanency of their Chiefships, they had conquered the lands they were occupying. But they knew they could not get the right of passing their Chiefships to their men except by making some money payment to the Paramount. They were completely indifferent in this matter ; therefore, it was the duty of the Supreme Government that it should not forego for so many chances of introducing among the people of these territories a better system of Government than that of the petty Sikh rulers. Talking of administration, he thought that the states of the Jajhwa Sikhs were not very much better. But in course of time, with more rank and resources, they could be able to make improvement.

In regard to the right of assuming lapses, the position of the British Government was unambiguous and clear. Clerk quoted the orders of the Supreme Government dated April 15, 1820, in which the Governor-General-in-Council, was the more readily disposed to exercise the right as Government did not derive any compensation in the way of tribute from the Sikh Chiefs or otherwise for the protection afforded to them and the expense incurred by it.<sup>1</sup> As to the question of compensation to be taken by the Supreme Government, Clerk thought that there were two courses open to it ; either the Supreme Government should take possession of the territory on the failure of heirs or receive the tribute. Against resumption, the points were the remoteness of such possession, their poverty, and their scattered position. Moreover, some of the lapsed estates were isolated among Sikh States and their management consequently entailed much trouble and solicitude.



Bnt in favour of resumption, the points were many—the improvement in the condition of the people, the increase in their material happiness, and finally the check provided against misrule in the adjoining estate.

In regard to a tribute scheme, Clerk said that the British Government had promised not to levy any tribute; if a change had to come it should come from the princes themselves.<sup>1</sup> He was sure that it would be acceptable to “the House of Phul”; then each of the Phulkian States would enter into separate treaties with the British Government which would acknowledge them as independent sovereigns in all other respects. What would be their position then? By way of reply, Clerk wrote: “They would then occupy a higher position in the scale of Allies than they now stand in towards the British Government. And they would thereby be constituted the lords in perpetuity of that soil, of which under the paramountcy of the Mohammadan Empire, they were the cultivators.” The Manjha estates must, of course, continue to lapse to the Supreme Government, Clerk observing: “The prospect of occasional lapses that must occur among so many petty proprietors may be held to be some compensation to the British Government for the expenses incurred in protecting them. And as the Sardars themselves are satisfied to be protected on these terms, there seems to be no good reason for revising the system.”<sup>2</sup>

Clerk then went on to explain how about four years earlier (about the year 1832)<sup>3</sup> he was “directed by the Secretary to the

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1. Clerk to Thomason, March 30, 1843, B. N. 88A, L. N. 8.

2. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

3. Clerk puts 1832 as the date when this inquiry was made but Griffin in “The Rajas of the Punjab” (p. 330) says that it was made “four years before the death of the Raja” (Sangat Singh of Jind)—The Raja died in 1834 and therefore the date of inquiry comes to 1830; Obviously Clerk is correct as he made the inquiry himself. Further, this inquiry was instituted after the death of Jamiyat Singh of Thanesar in December 1831, and so it could not have been held in 1830.

Governor-General to ascertain if the principal protected Sikhs were willing to pay tribute, on the understanding that, should they not do so, Government would continue to take advantage of all lapses as the mode of compensation in any degree for the expense to which the estate is subjected by the extension of its protection over the countries lying between the Sutlej and the Jumna.<sup>1</sup> This inquiry was suggested because of the Thanesar estate of Jamiyat Singh, who died without heirs, was considered to have lapsed to the Supreme Government. The princes were told of the alternative clearly and definitely, if they did not agree to accept the tribute scheme, It was hoped that the protected Chief would themselves be anxious to establish such relations with the British Government as might induce the latter to forego its title to lapses. For that purpose, the Political Agent held conversations with the confidential agents of Patiala, Nabha, Kaithal and Jind in the spirit in which it seemed to be the desire of the Governor-General that the subject should be discussed. He told them frankly that their masters were at full liberty to adopt the suggestion or reject it. He drew pointed attention to the cases of Jind and Kaithal whose rulers were without issue.<sup>2</sup> Had the rulers been possessed of a little foresight, they should have closed with the fair offer of the British Government and agreed to pay a tribute so that their states should have been guaranteed to them and their heirs. But they did not do so and thus lost a golden opportunity.

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1. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

2. Talking about the rulers of Kaithal and Jind, Clerk said : " They were youths certainly but so plunged in dissipation and debaucheries to afford little prospect of a long continuance of their lives. The latter is now dead. The demise of the former is daily expected as he can obtain no relief from a paralytic attack.....".

The four rulers met at Dhoda, a village situated on their common frontiers to discuss the matter. They informed Clerk of their intention of doing so, but did not give him any formal intimation of the result. Clerk wrote that two of the Chiefs and some of the ministers were in favour of revising their relations with the British Government but their opinion was not accepted by others whose influence was at the time greater.<sup>1</sup> Clerk is perfectly right when he says about Chiefs ; " They were Sikhs and in the true spirit of Sikh recklessness of the future, they counselled the countenance of the present easy terms, as far as the present was concerned. Later events, however, appear to have caused even the most unreflecting to regret that their advice on that occasion, led to the disregard of a scheme which, if adopted, might have averted that uncertainty in regard to the continuance of their sovereignties." It was only when the lapse of Jind was staring in the face of the Phulkian rulers that they thought that a treaty between them and the British Government, on the basis of a fixed tribute to be paid by the former, would have been fair and equitable. Later on, when Kaithal lapsed to the British Government, they must have repented all the more. But they were too late then.

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1. Clerk to Metcalte, March 23, 1836, B. N. 82, L. N. '4.

Clerk talks of the two Chiefs who wanted accept the British proposal of a tribute, but he does not say who they were. Similarly Griffin, in " The Rajas of the Punjab " (p. 330) does not mention any names. Clerk simply wrote thus : " This however was a clear perception by two of the Chiefs of the future advantages of now revising their relations with the British Government, strengthened if not first awakened by the discernment of the most able of their ministers in attendance. But the opinions of the latter were over-ruled by the others, whose influence was at the time greater".

In January 1836 (B. N. 82, L. N. 11), there was a rumour that Patiala wanted to pay a tribute but nothing was heard of it later. On December 26, 1835, Bushby sent an extract from the Court of Directors demanding an account of the tribute levied from the different chiefs under his control. (B. N. 35, L. N. 92). In reply, Clerk declared that no tribute was paid by any Cis-Sutlej Chief (B. N. 82, L. N. 5).

Having discussed the principles underlying the policy of lapse, I now turn to the estates and estate which partially or wholly escheated to the British Government. They were: Thanesar, Lashkar-Khan-ki-Sarai, Sadaura, estates of Megh Singh of Buria and Chawla Siugh Jemeraya, Malik, Gadauli, Bubbeal, Tira, Majra, Ferozepur and the two states Jind and Kaithal. The Cis-Sutlej estates of Gaukpur and Mustafabad, and the Simla Hill States of Baghat and Jubbāl were first taken over but later on restored to the claimants. I shall be dealing with Thanesar, Ferozepur, Jind, Kaithal, Baghat and Jubbāl in this chapter, while the treatment of others would be found as Appendix to this Chapter at the end.<sup>1</sup>

### (I) **Thanesar.**

This estate was originally conquered by Mit Singh. On his death it was divided between his nephew, Bhag Singh and Bhanga Singh. The former, inspite of his being the elder brother, got only two-fifths as his share, while the other secured the remaining three-fifths.

Bhanga Singh was followed by his son, Fateh Singh, who died in 1819. At his death, his mother, Mai Jian, assumed the Chiefship. Later on, having become old, she devolved it on her two daughter-in-law — Chand Kunwar and Rup Kunwar — who were confirmed in the possession of the estate on the Mai Jian, on June 10, 1836.<sup>2</sup>

1. Please see pages.....

2. This case has been discussed in Chapter II of the monograph.

See, Clerk to Fraser, May 14, 1832, B. N. 78, L. N. 23.

Clerk to Martin, December 18, 1831, B. N. 77, L. N. 114.

Clerk to Metcalfe, June 18, 1826, B. N. 82, L. N. 105.

Metcalfe to Clerk, July 15, 1836, B. N. 36, L. N. 56.



Bhag Singh had four sons—Mehtab Singh, Gulab Singh, Punjab Singh and Baz Singh. He was succeeded by the eldest Mehtab Singh, on whose death his widow Rattan Knnwar tried to secure the Chiefship. But she was deposed, after a brief struggle, by the second brother, Gulab Singh. He was the Chief of Thanesar at the time of the first control of the British Government.<sup>1</sup> He died in 1822 and was succeeded by his only surviving brother Punjab Singh, as Baz Singh had died leaving a son, Jamiyat Singh;<sup>2</sup> Punjab Singh held the Chiefship till 1823 only; at his death Jamiyat Singh became the Chief of Thanesar.<sup>3</sup> He died in December 1831, at the young age of twenty-five.<sup>4</sup>

Clerk, reporting his death, to the Resident, stated that he had died childless leaving two widows, one of whom was stated to be pregnant. She was the first wife. Clerk thought that it would be just and proper to admit the widow of Jamiyat Singh to the management of the estate, and, should she not produce a son, to the Chiefship.<sup>5</sup> Clerk, in his suggestion, was being guided by the example of Mai Jian, the ruler

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1. Clerk to Fraser, May 14, 1832, B. N. 78, L. N. 23.
  2. Murray, in a letter to Hawkins, the Resident, painted a very black picture of Jamiyat Singh. He observed: "Jamiyat Singh may be characterised as a reckless and furious person, totally void of all feelings of humanity, senseless to every idea of right and wrong and generally in a state of inebriety". The relations between him and Mai Jian, the other holder of Thanesar estate were so bad that his share in the city of Thanesar was made over to the Mai, who gave him certain other villages in exchange. He was also said to have murdered a boy of twelve years and was living a very dissolute life (B. N. 76, L. N. 331, October 16, 1830).
  3. Elliott to Murray, February 16, 1824, B. N. 24, L. N. 27.
  4. Clerk to Martain, December 18, 1831, B. N. 77, L. N. 114.
  5. Clerk says: "For whatever doubts may exist regarding the rights of widow claimant where collateral heirs are to be found, the Sikh customs unquestionably prescribe such succession to Chiefship in default of other heirs." *Ibid.*

of three-fifths of Thanesar. In the event of the son being born, she was to be allowed to act as regent during the minority, subject in some degree to the authority of Mai Jian, whose administration was of a very high order.

Adverting to the customs prevailing in the family of Thanesar which was a Chiefship of the Manjha Sikhs, Clerk observed : " There is a rule of inheritance in the Thanesar family that is peculiar to them as Manjha Sikhs, for it is in fact the distinguishing law of inheritance prevailing among those of the House of Phul. This is the acknowledgement of exclusive rights of primo-geniture and the consequent non-subdivision of the patrimonial possessions among brothers."<sup>1</sup> That was why he had taken the liberty to suggest the nomination of the elder widow to the Sardari, presuming Government might admit the expediency of preserving the estate entire. Finally, Clerk added that, if she did not produce the child, the estate might become an escheat to the Supreme Government on her death.

Martin, the Resident, replying,<sup>2</sup> quoted the orders of the Secretary at Calcutta who had remarked : " The deceased having died leaving two widows, where of the elder is " enceinte " it will be necessary to consider the succession in abeyance unless it shall be ascertained whether a son is forthcoming to claim the inheritance.

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1. This anomaly had also been observed by Murray who had pointed out how Bhag Singh was succeeded by his eldest son, Mehtab Singh, while the other sons received small Jagirs for their maintenance.

See, B. N. 74, L. N. 217.

2. Martin to Clerk, January 10, 1832, B. N. 32, L. N. 5.

Finsep to Martin, January 2, 1832, B. N. 32, p. 27.

Meanwhile Clerk received a number of applications from widow claimants. The first to represent her case was Prem Kunwar, widow of Punjab Singh, uncle and predecessor of Jamiyat Singh. But, as Clerk pointed out, Murray had discussed her claims and rejected them, when she had claimed to inherit the estate after the death of her husband.<sup>1</sup> More applications followed until the elder widow of Jamiyat Singh, who was pregnant, was delivered of a still-born child.<sup>2</sup> As Jamiyat Singh had left no child or brother, other widows also came forward with their claims. Among these were Rup Kunwar, widow of Gulab Singh, Rattan Kunwar, widow of Mehtab Singh, Nand Kunwar, widow of Baz Singh and the mother of Jamiyat Singh and Khem Kaur, widow of Jamiyat Singh. All widows had fixed provisions; for example, Rattan Kunwar enjoyed a grant of Rs. 8000 a year, others were also in receipt of allowances, though not on such a liberal scale. In fact, out of the annual income of Rs. 35000 of Bhag Singh's estate, about Rs. 17000 were allotted to the widows of his successors. Clerk's view was that if Thanesar were to be treated as private property, instead of Chiefship, the widow and mother of Jamiyat Singh would have the best claim; in fact, they would be entitled to divide the inheritance between themselves. But that being not possible, he recommended that the widows and mother of Jamiyat Singh be granted provision, like other widows, while the Chiefship itself "be considered to have lapsed and the British Government be declared the successor to this portion of Thanesar, the entire lands of which *Ilaga* yielding a lakh of rupees per annum must now escheat for want of heirs as these several females decease."<sup>3</sup>

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Colebrooke to Murray, November 22, 1827, B. N. 27 L. N. 277.

Murray to Colebrooke, April 12, 1828, B. N. 75, L. N. 58.

Colebrooke to Murray, April 15, 1828, B. N. 28, L. N. 80.

Clerk to Martin, January 6, 1832, B. N. 78, L. N. 3.

2. Clerk to Fraser, May 14, 1832, B. N. 78 L. N. 23.

3. *Ibid.*

The orders of Government, conveyed to Clerk in October 1832,<sup>1</sup> were ; ".....under consideration of all the circumstances of the case, His Honour in Council is disposed to adopt that.....in consequence of the failure of heirs male, the Chiefship escheats to the British Government as the Paramount power. It appeared to the Vice-President-in-Council to be clear that the Chiefship did not belong to other party and that under an equal division of the territory among the four claimants, the Chiefship would be abolished or rather that the British Government would have to exercise the duties of Chief without any resource to meet the necessary expense on that account." The Vice-President in Council therefore, conceived that the widows of the last Chief should be allowed a provision out of the revenues of the estate, equal to the highest amount received by any of the widows of the former Chiefs but the estate was to escheat to Government.

In regard to the estate of Jamiyat Singh, Clerk stated that it comprised twenty eight villages including a portion of the town of Thanesar. The villages held by the widows of the former Chiefs, could only be resumed at the death of the holders and not before. Considerable grants had been made in charity to the aged and the poor as Thanesar was a place of sanctity, and Clerk wanted Government's instructions in the matter.<sup>2</sup> The Sardar had left little personal property except horses and cattle. The widows, like those of Jamiyat Singh's

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1. Fraser to Clerk, October 24, 1832, B. N. 32, L. N. 99.

Swinton to Macnaghten, October I, 1832, B. N. 32, p. 367-69.

This letter of Swinton, Chief Secretary to Government of India dated October 1, 1832, is also quoted by Clerk in his letter to Metcalfe, June 4, 1835 (B. N. 81, L. N. 70, p. 34).

2. Clerk to Fraser, November 18, 1832, B. N. 78, L. N. 78.

In a letter of August 6, 1833, Clerk again appealed to Government to decide speedily all matters relating to administration and revenue of Thanesar. (B. N. 79, L. N. 67). Earlier he had written that, owing to the mis-rule of the late Chiefs and the consequent suffering of the people, the management of Thanesar took a good deal of his time. (B. N. 79, L. N. 23 and 25).



uncles, were to be given provision in land as they were not willing to accept even a higher provision in money.<sup>1</sup> Clerk discharged the expensive establishment kept by the Sardar.

The widows of Jamiyat Singh petitioned Fraser praying him to ask Clerk to stop the sale of the personal property of their husband, pleading that other widows were still enjoying the personal property left by their husbands. Fraser directed Clerk to suspend the sale.<sup>2</sup> In another letter of the same date, he made three queries from Clerk<sup>3</sup>:—  
 (i) What amounts of pension were enjoyed by the widows of the former Chiefs respectively? (ii) Whether on the death of the elder brothers of Jamiyat Singh, their personal property devolved on the Chiefs who succeeded them or was placed in the possession of their widows. (iii) Whether the latter continued to reside in the houses formerly occupied by their husbands.

Clerk's reply<sup>4</sup> to both letters was that the sale of the property of late Jamiyat Singh could not be stopped because his first letter had arrived late. He admitted that some personal property had been sold off but only to meet his debts, that the entire sale amounted to Rs. 2100 and that he had paid due regard to the reasonable claims of the widows who were given the possession of gold and silver ornaments, etc. He also submitted the amount of

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1. As Clerk said : " They prefer their consequence to their comfort."

2. Fraser to Clerk, December 15, 1832, B. N. 32, L. N. 122.

3. Fraser to Clerk, December 15, 1832, B. N. 32, L. N. 124.

4. Clerk to Fraser, December 18, 1832, B. N. 78, L. N. 84.

Clerk to Fraser, December 27, 1832, B. N. 78, L. N. 87.

Jagirs enjoyed by the former Sardarnis of Thanesar.<sup>1</sup> Clerk stated, in regard to the second query, that Jamiyat Singh had no brothers but was preceded in the Chiefship by his three uncles. Of these, the eldest had died previous to 1809; on the death of the next Chief, Gulab Singh, all his personal property, except horses and elephant, was given to his widows; horses and elephants, appertaining to the Chiefship, descended to his successor Punjab Singh; on his death, the same passed to Jamiyat Singh. To the third query, Clerk replied that all the widows resided in the villages allotted to them.

Clerk made further inquiries<sup>2</sup> into the sale of Jamiyat Singh's personal effects and stated that it took place at Thanesar, and was conducted by the Dandi, who always conducted such sales. Things were sold at a fair price; some of them fetched more than their value, especially horses and guns. The Sardarnis had made a false complaint, Clerk further said that horses, elephants and guns were the appurtenances of the Sardari. They had been considered so by Ochterlony also. Money realized was paid to liquidate the debts of the late Chief, and Clerk quoted the

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1. Clerk gave the following figures :—

	<i>Rupees.</i>
Village Debkari held by Chand Kunwar, widow of Bhag Sidgh.	... 300
Bore and other lands held by Rattan Kunwar, widow of Mehtab Singh. (subsequently married to Gulab Singh).	... 500
Gulabgarh, held by Rup Kunwar, Mehtab Singh's other widow.	... 100
Iuneisur held by Sahib Kunwar, Gulab Singh's widow.	... 1000
Bunana held by Rup Kunwar, Gulab Singh's other widow.	... 600
Churri held by Rattan Kunwar, Punjab Singh's widow.	... 700
Longa Kheri held by Prem Kunwar, Punjab Singh's other widow.	... 500

2. Clerk to Fraser, May 7, 1833, B. N. 79, L. N. 30.

example of Dya Kanwar of Jagadhari, whose debts were cleared out of the revenues of the lapsed lands. Clerk added satirically that it had not occurred to him that in succeeding to the estate of a deceased Chief, Government would feel itself absolved, from the liability of paying off his debts.

Clerk went on to say that the Sardarnis were not prepared to take charge of the cattle, which Fraser wanted to be given to them. They insisted that they should be restored to the whole estate. They claimed many shops, houses gardens, etc. which Clerk could not trace. He, therefore, asked Fraser to depute the agents of the Sardarnis to Ambala to state where and what the purchased property in land was, which they would lay claim to.<sup>1</sup> Clerk added that the Sardarnis had never before brought forward such a claim as had been advanced on their part by their agents at Delhi. When he questioned the family wakil, stationed at Ambala, he denied all knowledge of any such purchases made by Jamiyat Singh. The Sardarnis were so greatly offended that they refused to accept the provision of certain villages granted to them by Government.<sup>2</sup> But Thanesar was not given to them and unlike the bigger half, was taken over by the British Government.

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1. Their Wakil—Imam Baksh—was at Delhi in August. (B. N. 79, L. N. 67).

2. Clerk to Fraser, August 6, 1833, B. N. 79, L. N. 67.

It has not been possible to find any thing more about the Sardarnis but they would have ultimately accepted the provision and reconciled themselves to the escheat. Their grouse was well-founded as in the other half, widows were ruling. The reason of this change of policy was Government's dislike of the female rule.

## (2) The Estate of Ferozepur.

On Octbor 4, 1835,<sup>1</sup> Clerk reported the demise of Sardarni Lachman kunwar of Ferozepur. In compliance with a suggestion from Wade, he had deferred taking any measure for the occupation of this small but important territory, than by deputing a native officer to superintend its administration until the orders of Government.

The place being of strategic importance had been under the eye both of the British Government and Maharaja Ranjit Singh.<sup>2</sup> The latter had advanced a claim to his supremacy over Ferozepur even earlier, but it had been rejected by Government.<sup>3</sup> The lapse of Ferozepur was now deferred in deference to the wishes of the Maharaja;<sup>4</sup> Wade being of opinion "that it will be only showing a proper respect to the feelings of the Lahore authorities to postpone the formal occupation of the territory, until the receipt of the orders of the Government,"

1. Clerk to Metcalfe, October 4, 1835, B.N.81, L.N.109-

It is interesting to note that in 1828 Mai Lachhman kunwar had expressed a desire to exchange Ferozepur for lands in Buria, but Government had declined to accept the suggestion.

Murray to Colebrooke, April 21, 1823, B. N.75 L. N. 66.

Colebrooke to Murray, June 5, 1823, B. N. 28, L.N. 128.

2. Murray had observed : The post of Ferozepur from every point of view seems of the highest importance to the British Government, whether as a check on the growing ambition of Lahore or as a post of consequence".
3. Macnaghten to Wade, May 23, 1836, B. N. 118, L. N. 78.
4. Clerk to Metcalfe, October 4, 1835, B. N. 81, L. N. 109.



On November 21, 1835,<sup>1</sup> Metcalfe sent to Clerk a copy of a despatch from the officiating Secretary, Agra Government, in which it was mentioned that the Supreme Government had decided to place the management of the lapsed territory under Wade, the Agent at Ludhiana.<sup>2</sup>

In 1838, Jhanda Singh and Chanda Singh, the nephews of Dhanna Singh, the husband of Mai Lachhman Kunwar brought forward their claims for the Chiefship of Ferozepur.<sup>3</sup> Already, their elder brother's—Baghel Singh's—claim had been rejected; hence their claims could not be con-

1. Metcalfe to Clerk, November 21, 1835, B. N. 35, L. N. 81.  
Scott to Metcalfe, November 16, 1835, B. N. 35, p. 689.

The Sardarni had made repeated complaints against the conduct of Lahore Authorities to the Political Agent, Ambala.

In 1828, Maharaja Ranjit Singh had removed the complaints of Sardarni, on Murray's taking interest in the matter (B. N. 75, L. N. 7.)

See Murray to Colebrooke, March 1, 1828, B. N. 75, L. N. 26.

Murray to Hawkins, October 24, 1829, B. N. 76, L. N. 90.

Murray to Wade, August 5, 1830, B. N. 76, L. N. 286.

2. There are two letters written by Wade in 1836, which tell us something about Maharaja Ranjit Singh's attitude towards this lapse. For example, when Wade sent Mackeson to apprise him of the annexation, the Maharaja said that the occupation of a place so near his capital was disagreeable to him although later on he apparently abandoned his position (B. N. 142, L. N. 27). Writing a month later, Wade reported the death of Baghel Singh, the pretender to Ferozepur, whose claims were being supported by Ranjit Singh. Wade added that the Lahore Sardars were trying to persuade the Maharaja that the British occupation of Ferozepur was likely to prove injurious to his interests. He concluded: ".....but he is able to view the subject in its true light and feeling assured that there is little use in attempting to divert our Government from the claim of supremacy which we have long advanced to a place, the possession of which is known to be an object of some interest to us". (B. N. 142, L. N. 33).
3. Metcalfe to Clerk, July 16, 1838, B. N. 38, L. N. 36.

Ferozepur was conquered by Sardar Gurbaksh Singh who gave it to his second son Dhanna Singh. In 1818, he died and was succeeded by his widow, Lachhman Kunwar, who died on September 23, 1835. In 1820, Baghel Singh, the nephew of Dhanna Singh, seized Ferozepur, but the British Government forced him to give up the conquered territory. He then claimed the Chiefship but his claim was rejected by the British Government. Now his younger brothers—Jhanda Singh and Chanda Singh—revived their claims, Baghel Singh having died in 1836.

sidered favourably. On August 10, 1838,<sup>1</sup> Metcalfe asked Clerk to forward all the relevant orders relating to Baghel Singh's claim.

On August 21, 1838,<sup>2</sup> Metcalfe again wrote to Clerk that he could not discover any proof that Baghel Singh's claim had ever been brought to the notice of Government although the despatch of Macnaghten and his own letter of August 10, led one to suppose that the question had been finally disposed of "and consequently the grounds of the Government's decision, disallowing the claims of Baghel Singh, are now applicable to those now advanced by his sons—Jhanda Singh and Chanda Singh."<sup>3</sup>

It was on December 5, 1838,<sup>4</sup> that Metcalfe forwarded to Clerk a copy of Macnaghten's letter dated November 24, 1838, which finally disposed of the claims advanced by Jhanda Singh and Chanda Singh. After describing their right to inherit "in no way admissible", it went on to elucidate the point as follows:—"The claimants are descendants of Duna Singh, to whom his father, Gurbaksh Singh assigned possessions on the Northern bank of the Sutlej, making over to his second son Dhanna Singh, Ferozepur and its

1. Metcalfe to Clerk, B. N. 33, L. N. 44.

Metcalfe also sent an extract of a letter from Secretary Torrens to Captain Wade, in which it was stated that the claim of Baghel Singh had been disallowed by Government after due consideration and that the Governor-General was anxious to find whether any new circumstances had been brought to light which should alter the view then taken of the case (B. N. 33, p. 224).

2. Metcalfe to Clerk, B. N. 33, L. N. 51.
3. Metcalfe described Jhanda Singh and Chanda Singh as the sons of Baghel Singh, but they were his younger brothers and like Baghel Singh the nephews of Dhanna Singh.
4. Metcalfe to Clerk, December 5, 1838, B. N. 33, L. N. 35.  
Macnaghten to Metcalfe, November 24, 1838, B. N. 33, p. 393.  
Metcalfe to Clerk, September 17, 1838, B. N. 33, L. N. 62.  
Macnaghten to Metcalfe, September 1, 1838, B. N. 33, p. 202.

Macnaghten referred to the letter of Wade of May 25, 1836, in his communication to Metcalfe.

lands as a separate allotment, and a distinct tenure thus constituting, according to the Hindu Law and Sikh customs, two separate and distinct families.

On Dhanna Singh's death, this separated portion of Gurbaksh Singh's acquisitions came into the possession of his wife Lachhman Kaur and on her decease lapsed to the British Government. The nephews of Dhanna Singh have clearly no right to the separated property of their uncle and their claim is disallowed accordingly." Thus Ferozepur passed into British hands.<sup>1</sup>

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1. Lawrence also referred to the escheat of Ferozepur in his Report on Kaithal in justifying the lapse of the latter. In this connection, he remarked: "The estate of Ferozepur.....was resumed.....though a nephew of the last Chief claimed it and though.....there are brothers of the late Chief Dhanna Singh alive to this day in the Punjab, the grounds of escheat being that the Sikh conqueror of Ferozepur had during his life-time and before the date of British supremacy divided his estate among his five sons giving Ferozepur to Dhanna Singh on whose death accordingly his widow Lachhman Kaur was allowed to succeed, and although during her absence on pilgrimage for two or three years, her husband's nephew Baghel Singh gained admittance and held the territory till her return, when forced by the British and Lahore Governments to yield it up to the widow who held it till her death, when the British Government took possession". B. N. 88A, p. 340.

Undoubtedly, the decision in Ferozepur case was due to its strategic value; Cunningham remarked in a footnote: ".....Government subsequently decided.....that certain collateral heirs.....could not succeed, according to Hindu Law and Sikh usage, no right of descent existed after a division had taken place. So uncertain, however, is the practice of the English, that one or more precedents in favour of the Ferozepur claimants might readily be found within the range of cases connected with the Sikh states." (p. 144).

Griffin also observed: "If Sardar Sarup Singh of Bazidpur, a second cousin of Raja Sangat Singh, was held to have any title to Jind, it does not appear on what grounds the claim of the nephews of the Chief of Ferozepur was disallowed. The only satisfactory explanation appears to be that.....Ferozepur was a position which they had long desired to obtain as a military post."

## (3) JIND.

Perhaps the most interesting case which occurred during the period of Clerk's agency was that of Jind, leading to its partial lapse and the succession of a collateral.<sup>1</sup>

In Clerk's days, Raja Sangat Singh was ruling Jind, having succeeded his father, Raja Fateh Singh on February 3, 1832. He being then only eleven years old, his mother, Mai Sahib Kunwar, had acted as Regent.<sup>2</sup>

As he grew up, he did not prove to be a good ruler. His oppressive rule greatly annoyed the English authorities. In 1832, Clerk had to write to Fraser about the mal-administration prevailing in Jind in order to secure his support to the protest he was forwarding to the Raja.<sup>3</sup> He considered Jind as the worst of the ill-managed states.

Another case of dis-satisfaction against Raja Sangat Singh was his friendship with Maharaja Ranjit Singh, who was very fond of him. It was unpalatable to British officials that a Cis-Sutlej Chief, under their protection should pay frequent visits to him.<sup>4</sup> But that could not be helped. After all, the Maharaja was his relative, being the son of Raj Kaur, sister of Raja Bhag Singh, the grand-father of Sangat Singh.

1. For the purpose of clearly understanding the case, one should be familiar with the genealogical table of the Jind House given in Appendix II to Chapter III, page.....

2. Ross to Swinton, February 7, 1822; B. N. 70, L. N. 96.  
Middleton to Ross, April 11, 1822; B. N. 22, L. N. 30.

3. Clerk to Fraser, May 28, 1832, B. N. 78, L. N. 27.

4. Government did not even like his correspondence with the Ruler of Lahore, though almost all the Cis-Sutlej Chiefs had their *Vakil*s at the Sikh Court. Murray, writing to the Resident on July 12, 1829, had stated that he had asked the *Vakil*s of the Chiefs, stationed at Ambala, to keep him informed of all negotiations between their masters and the ruler of Lahore. (B. N. 75, L. N. 41.)



On October 25, 1834, Clerk reported to Fraser that Sangat Singh had gone again to Lahore, as he had been invited to join the Dussehra celebrations there—atleast that was what his agent had told Clerk.<sup>1</sup> The Raja himself had written, informing him of the proposed visit only six days before the festival while Clerk had received it when only four days had been left.<sup>2</sup> Wade, the Agent at Ludhiana, had not as yet been apprised of the visit that Sangat Singh contemplated paying, nor had he been aware of any wish on the part of Ranjit Singh to receive Sangat Singh. Again, the Vakil of Lahore had met Clerk and it was obvious from the expression made use of by the Vakil that there was little inclination on the Maharaja's part to see Raja Sangat Singh at his court; and that certainly he had then expressed no such desire.<sup>3</sup> Clerk believed that the state suffered from neglect because the Raja did not pay any attention to its affairs. Moreover, his demeanour was considered so objectionable by Clerk that he had thought it proper to bring it to the notice of Government—

It was while returning from this visit to Lahore that death came to Sangat Singh on November 3, 1834, at Basia.<sup>4</sup> He was then twenty-three only, but a debauched life had undermined his health. He died issueless and also had no brother. His paternal relations were the descendants of Bhup Singh, third son of Raja Gajpat Singh and the younger brother of Raja Bhag Singh. Bhag Singh was the second son and

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1. Clerk to Fraser, October 25, 1834, B. N. 80, L. N. 182.
  2. The Raja had written that the Maharaja had sent a servant for that purpose.
  3. Clerk failed to appreciate the regard which Ranjit Singh had for Sangat Singh. As is well known, the latter was present in the latter's suite in the famous Rupar interview of October 1831.
  4. Clerk to Fraser, November 6, 1834, B. N. 80, L. N. 196.  
Wade to Clerk, November 6, 1834, B. N. 101, L. N. 62.

He was in good health a day before but intoxicated as usual in the evening. In the morning, a short time before his death he complained of feeling unwell. He was then at Basia and was advised to return to Sangrur. He set out but expired before he had passed the gate of Basia.

r of Gajpat Singh and the grand-father of the deceased. Bhup Singh had obtained in 1789 Badrukian and seven dependent villages, which were a separated portion of the Jind territory.<sup>1</sup>

Clerk, addressing a letter of condolence to Mai Sahib Kunwar, Sangat Singh's mother, told her "that the administration of the affairs of Jind will continue with her until the instructions of the Supreme Government may be received." As she had conducted the administration once before during her son's minority, Clerk apprehended no inconvenience to the state from this management.<sup>2</sup>

The orders of Government to whom the case had been referred were conveyed in February, 1835,<sup>3</sup> and were: "..... The Right Honourable the Governor-General of India in Council has been pleased to direct that the descendants of Bhup Singh—— have been provided for by a separate portion of the Jind territory, they have no just claims for the Chiefship.

Whether or not the widows of the deceased Raja are entitled to a life interest is in the opinion of the Governor-General a point for consideration—the Rani-mother may be continued in the management as at present.

Should the claims set up by the widows be disallowed, the whole of the Chiefship will be sequestrated on account of Government and it

1. Bhup Singh had got two sons: Karam Singh, the elder, who died in 1817; Bassawa Singh, the younger, who died in 1830. Karam Singh had one son—Sarup Singh; Bassawa Singh had two sons—Sukha Singh and Bhagwan Singh. As we shall see both Sarup Singh and Sukha Singh put forward their claims.

Sangat Singh's two uncles, Partab Singh and Mehtab Singh had died in 1816, without heirs; only the former had left a widow, Bhagbhari, who also claimed the Jind 'gaddi'.

2. Clerk to Fraser, November 6, 1834, B. N. 80, L. N. 196.
3. Fraser to Clerk, February 2, 1835, B. N. 35, L. N. 9.  
Secretary to Agra Government to Metcalfe, January 21, 1835, B. N. 35, p. 49-50.

will then be open to Maharaja Ranjit Singh to put in his claim to any estates which he may himself have conferred upon the family."

The reference to grants made by Ranji Singh to the Jind family was due to the claims which the Maharaja had made through Wade, who was in charge of his Cis-Sutlej relations. Wade wrote a letter to Clerk relating to the above grants and also suggested that Sangat Singh's death offered a good opportunity for negotiating the cession of Ludhiana, which belonged to Jind. Clerk replied that the consideration of the former should be deferred "until it is known that the Maharaja really intends to claim certain Parganas now belonging to Jind"<sup>1</sup>. Clerk had been opposed to grants by the Maharaja on principle and observed how the British Government had always shewn itself decidedly opposed to grants being conferred by the Maharaja upon the Chief under its control on terms incompatible with their entire dependence on the former<sup>2</sup>.

According to Clerk it would be vain for the Maharaja "to advance a claim to the allegiance and service of the Protected state of Jind, and if so, he will also be sensible of the inconsistency of assuming a right to resume lands, the possessors of which stood in a position towards British Government that totally precludes them from the performance or even the acknowledgment of any of the duties of submission to another."<sup>3</sup> In other words, Clerk denied the right of Ranjit Singh to resume the grants he had made

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1. Clerk to Wade, November 25, 1834, B. N. 80, L. N. 257.

Ranjit Singh claimed all the estates granted to Jind from the time of Raja Bhag Singh which meant Ludhiana, Bias, Morinda, etc., granted before 1809 and Halwara, Talwandi, moiety of Mudki and Ghyaspur, bestowed after 1809.

2. He referred to the case of Dhuna Singh's lands in 1811 when the Supreme Government had objected to such grants being made by the Maharaja unless he made them "without reservation of service and allegiance".

3. Clerk to Wade, November 25, 1834, B. N. 80, L. N. 257.

Wade to Clerk, November 15, 1834, B. N. 101, L. N. 65.

to the Jind family<sup>1</sup>. But that was not the view of the Supreme Government.

Regarding the cession of Ludhiana, he agreed with Wade, that the time was opportune to get its cession or if that was not possible to negotiate its cession on the basis of an exchange of territory. He desired to give some lands situated between the Sutlej and the Jumna, out of the escheated estates, in lieu of the lands around the town of Ludhiana, including the land of the English cantonment, so as to make their position "less embarrassing and anomalous"<sup>2</sup>. Clerk also wrote to Fraser to that effect and referred him to the letter of Wade who had pointed out a mode of reconciling the Jind authorities to the cession of Ludhiana.

That was also the contention of Murray. Writing on June 9, 1828 Murray drew the Resident's attention to the grant of certain villages south of the Sutlej by Ranjit Singh to the Jind ruler for which the latter agreed to pay tribute. According to him, this arrangement was not fair to the British Government, under whose protection the Raja of Jind was. (B. N. 75, L. N. 109). He also wrote to the Raja of Jind to the same effect, pointing out the sense of impropriety of his conduct (B. N. 75, L. N. 167).

2. It should be added here that 500 rupees per mensem were paid by the Government to the Jind Ruler for the occupation of Ludhiana by the British Government. (B. N. 16, L. N. 21).

In December 1835, Metcalfe forwarded copies of correspondence exchanged between Wade and Supreme Government. Wade had desired that the ancestral portion of Jind should be placed under Clerk, but the granted portion of the state should be managed by him, as it would allay the "feelings and prejudices" of Ranjit Singh. Government authorised Wade to be in charge of Ludhiana and its dependent 45 villages while Ranjit Singh was to be informed that he would be placed in possession of the territory to which he could prove his right.

Metcalfe to Clerk, December 10, 1835, B. N. 35, L. N. 84.

Scott to Metcalfe, November 25, 1835, B. N. 35, p. 712.

Macnaghten to Scott November 19, 1835, B. N. 35, p. 712.

Wade to Macnaghten, B. N. 35, p. 713-14.

Macnaghten to Wade, October 19, 1835, B. N. 35, p. 714-15.



which would seem to divest the subject of some of its difficulties.<sup>1</sup> Clerk also added that he had suggested for cession the lands of the escheated estates and that there were also lands lying continuous to the Jind border within the Delhi territory, which could be offered in lieu of Ludhiana. But the whole position changed by the decision of Government conveyed to Clerk, in a letter by Metcalfe, dated July 17, 1835.<sup>2</sup>

By this decision, Government treated the treaty of 1809 as the basis of its award. All grants made by Ranjit Singh to Bhag Singh before 1809 were treated as the possession of Jind which could not be returned to him as the Maharaja could not claim, as lord paramount, any escheats south of the Sutlej. All grants made subsequent to 1809 were to be treated as only transfers and, therefore, returnable to the Maharaja, who could not claim and had not claimed any service or alle-

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1. Clerk to Fraser, December 29, 1834, B. N. 80, L. N. 237.

Clerk wrote : " The commercial importance which the town of Ludhiana is likely to attain on the opening of the navigation of the Indus and the disadvantages of the arrangement as at present subsisting with the Jind state for the location of British troops in that quarter may make the Government desirous of availing itself of the present crisis in the affairs of Jind, to endeavour to obtain the cession of town and land immediately around it."

2. Metcalfe to Clerk, July 17, 1835, B. N. 35, L. N. 36.

Scott to Metcalfe, July 8, 1835, B. N. 85, p. 373-74.

giance from the Jind Chiefs for those grants.<sup>1</sup> For example, Ludhiana, Basia, and Morinda, etc. granted to Raja Bhag Singh before 1809, were to be treated as a part of Jind principality ; Halwara, Talwandi,

1. Richmond in his letter to Currie, (B. N. 88A, L. N. 94, p. 248-55), critically analysed the nature of grants made to Jind and other Cis-Sutlej Chiefs by Ranjit Singh before 1809. Coming to the motives of these grants, Richmond was of the view that Ranjit Singh wanted to keep the Chiefs, pleased so that they might join him in a war against the English. They were feudal in nature and when the English extended their protection to the Cis-Sutlej Chiefs, the grants passed into their possession, as the over-lord of the Princes. That was why these grants were resumed in 1834 and not returned to Sarup Singh. As regards the grants after 1809, Richmond agreed with Clerk that they were "made without reservation of any kind as to service or allegiance".

In another letter, he remarks; "When these states were taken under our protection, a proclamation was issued to that effect by Sir David Ochterlony; the General transmitted a copy of the document to the Chiefs of Jind, Nabha and Ladwa, who had acquired districts through Ranjit Singh and also wrote to specially assure them that the lands so acquired were their fully as much as those acquired otherwise. Sir David Ochterlony did not report that he had made this special assurance to Government, as he did not perhaps suppose any distinction would ever be drawn between these and other possessions of the Chiefs. The Chiefs had been the companions of Ranjit Singh and like other companions, whose alliance was of value at the time when they had shared in the confederate conquests." Richmond added that Government had pointed out to Ranjit Singh that all grants, made after 1809, must be considered as "irrevocable and made without reservation of any kind" and that he could not have the right to resume them. He observed: "... it does not appear that Ranjit Singh or his successors ever proposed of themselves to resume what he had given to our dependents." (B. N. 88A, L. N. 97)-

So the decision of Government must be regarded as fair bordering on generosity. After all, Ranjit Singh, when making the grants, knew that the Cis-Sutlej Rulers were the dependents of the British Government.

etc. given to the Jind Chief after 1809, were returnable to the Lahore ruler.<sup>1</sup> Clerk accordingly informed Wade on August 17, 1835, that he had received the orders of Government directing the grants made by Ranjit Singh to be restored to him and that they would be delivered up whenever His Highness might appoint officers to receive them.<sup>2</sup>

The Maharaja was not satisfied with the decision, especially about the moiety of Mudki. Writing to Metcalfe in March 1836,<sup>3</sup> Clerk said the whole of Mudki was claimed by the Lahore authorities, though he himself was of the view that it was "clearly not so circumstanced as to be liable to be transferred to Lahore under the order of Government." The political Agent desired that the Lahore authorities should be called upon

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1. Metcalfe to Clerk, July 7, 1835, B. N. 32, L. N. 36.

Metcalfe quoted the order of Government directing the transfer to Maharaja Ranjit Singh all possessions granted by him to the family of the Jind Raja since the treaty of 1809. He was also asked to give a list of such possessions. Reply; ng to the above on July 23, 1835, Clerk said that the grants given were Halwara, Talwandi, a moiety of Mudki and a moiety of Ghyaspur with an aggregate revenue of Rs. 9000 per annum. The zamindars of Halwara and Talwandi enjoyed free grants which greatly reduced the revenue. (B.N.81, L.N. 86).

See also, Clerk to Metcalfe, March 23, 1836, B.N. 82, L.N.44.

2. Clerk to Wade, August 17, 1835, B.N.81, L.N. 152.  
Wade to Clerk, August 20, 1835, B.N. 102 L.N. 54.
3. Clerk to Metcalfe, March 12, 1836, B. N. 82, L. N. 85.

Clerk had sent an officer to take possession of Mudki but the agent of Mai Sahib Kunwar had refused to admit him. Meanwhile the agent of Maharaja Ranjit Singh had written to Wade to say that the whole of Mudki should be returned to the Sikh ruler. It was asserted by Richmond that Mudki was given by Ranjit Singh as a free grant to Bhag Singh in 1817. (B. N. 88A, L. N. 94). So, in accordance with the principle enunciated by Government, it should have been returned to Lahore.

to substantiate their claims; if they remained silent, then it was clear that they could produce no proofs<sup>1</sup>. He appealed to Government to decide the question one way or the other so that he might make arrangement for the collection of revenue. Again Clerk, writing on June 28, 1837,<sup>2</sup> said that Sarup Singh was exercising control on that half of Mudki, which was to be returned to Maharaja Ranjit Singh. It meant that the Sikh ruler had not till then taken possession of it.

Thus the Jind Chiefship comprised three kinds of territory. First was that portion which had been acquired by Raja Gajpat Singh, the founder of the Chiefship, comprising the Parganas of Jind and Suffedon,<sup>3</sup> and forming the main portion of Jind territory. Secondly, there were Parganas of Basia, Morinda, Ludhiana, etc. given to Raja Bhag Singh and his successors by Maharaja Ranjit Singh before 1809.<sup>4</sup> Thirdly,

Clerk to Metcalfe, March 12, 1836, B. N. 82, L. N. 35.

Clerk is a little afraid that the Lahore ruler might prove his contention as he says : " It would be useless to require Sahib Kunwar to deliver up a place to the entire possession of which it may be possible the Lahore authorities can make out their claim....."

2. Clerk to Metcalfe, June 28, 1837, B. N. 83, L. N. 25.

Clerk wrote : " The villages of Talwandi, Halwara, and half of Ghyaspur are held in deposit for Ranjit Singh.....But His Highness delays his resumption of the places also when he prefers a claim to the whole or other portions of the Jind".

3. The town of Suffedon was claimed by one Mir Jamal Ali ; Clerk rejected his claim, as it had belonged to Jind in 1809, when the state was taken under British protection.
4. Richmond in his letter of February 15, 1844, gives a detailed account of these acquisitions : Ludhiana was given by Ranjit Singh in 1806 ; Basia in 1807 and Morinda also in the same year, for a money equivalent. He quoted Murray who had observed : " All these places were acquired by Jind before we determined upon restraining Ranjit Singh." (B. N. 88A, L. N. 94).



there was the last portion of Jind territory comprising Halwara, Talwandi, moiety of Mudki and Ghyaspur granted to Jind by Ranjit Singh after 1809 and which had been directed to be relinquished to Lahore.<sup>1</sup>

Clerk had been asked to give further information about Jind.<sup>2</sup> Replying on February 25, 1835, he traced the earlier history of the Chiefship.<sup>3</sup> Sukhchain owned the estate of Ballawali; his estate was extended greatly by his son, Gajpat Singh, who was able to occupy large tracts of land, subject to the supremacy of the Delhi Empire. His son, Bhag Singh, was also enabled to annex to the territory lands which he received on several occasions from the ruler of the Punjab. Gajpat Singh possessed himself of Karnal and subsequently of Jind; Bhag Singh acquired Basia, Ludhiana, etc. Clerk then went on to compare the Chiefship of Thanesar with that of Jind. The Thanesar Chiefs wrested the conquest from its former possessors by means of their own resources and they secured it without the support of any power of acknowledged superiority. They did no homage and continued to be independent until brought under the protection of the British Government. On the other hand, Gajpat Singh of Jind acknowledged the paramountcy of the Mughal power and thus acquired the principal por-

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1. Metcalfe to Clerk, July 17, 1835, B. N. 35, L. N. 36.

Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

2. Metcalfe to Clerk, February 12, 1835, B. N. 35, L. N. 9.

3. Clerk to Metcalfe, February 25, 1835, B. N. 81, L. N. 34.

tion of his possessions. He had to pay tribute to the Imperial Government; if he failed to pay he was punished.<sup>1</sup> Clerk said that when Thanesar, on failure of male heirs, could be treated as an escheat in 1832, Jind could be resumed with much greater justice. He observed: ".....there appears to be no grounds for now varying the rule which was considered applicable in that instance. On the contrary, the dependent position of Jind during the period when they acquired their territory or the power to whose supremacy the British Government succeeded, would seem to enjoin more forcibly than in the other case that attention to the future administration of the Chiefship which led to its sequestration at Thanesar in the hands of the Government". Clerk then referred to benefits, which would follow to the people of Jind by the British occupation of the territory,<sup>2</sup> and went to say that the opinion of several intelligent people in the states, regarding the Jind Chiefship, was clearly for such measures of preservation of the territory and its people as were adopted under like circumstances in the Thanesar estate. In short, Clerk stoutly pleaded for the abolition of Jind Chiefship and resumption of its territory.

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1. Clerk to Metcalfe, February 25, 1835, B. N. 81, L. N. 34.

Clerk said "For neglecting to remit a tribute of a lakh and half rupees, Najib Khan had him carried a prisoner to Delhi where he was detained for three years".

2. He wrote: "Sikh dominion is greatly dreaded. It is ruinous to the peasantry and lower order, as well as regardless of the rights of the *zamindars*.....I cannot but refer, however, to the vast importance of this crisis to the inhabitants of Jind territory.....with the exception of a few rapacious farmers of the revenue and customs and the lawless characters who have established themselves during several years of misrule, they unanimously contemplate with extreme apprehension any other disposition of their territory than that which may secure to them the blessing of security under British Law".

If his view were to be accepted by Government, he would wish that the jointure of the widows be fixed on the most liberal scale. The provision of the widows in Thanesar was unequal; in the Jind Chiefship, Clerk wanted it to be equal as far as possible. There were three widows of Raja Sangat Singh, two of his father-Raja Fateh Singh; three, if not four, of Partap Singh, the younger brother of Fateh Singh, and one of Mehtab Singh, another younger brother of Fateh Singh—ten in all.<sup>1</sup>

Metcalf, in his letter of August 13, 1835, referred Clerk to the letter of the Secretary, Agra Government to himself, which gave the decision of the Government in the matter of Jind Chiefship in the following words...<sup>2</sup>

"I am directed by the Honourable the Lieutenant-Governor to request that you will instruct the Political Agent at Ambla to take possession of the Chiefship and furnish with the least possible delay a settlement of the revenue ..... and the expenses which are likely to be incurred in its management,

The increase to the allowances of the widows proposed by Mr. Clerk appears to be very considerable and the final determination of the question regarding them has been suspended, until it shall be seen what are likely to be the net proceeds of the estate but Mr. Clerk may assure these ladies that a liberal arrangement will be made in their favour and in the meantime they will retain whatever lands they hold and whatever allowance they now receive".

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1. Clerk wrote that the senior widow of Sangat Singh claimed the Chiefship while the other two were opposed to her claims : similarly the senior widow Fateh Singh wanted the Chiefship while the other desired a partition.
  2. Metcalfe to Clerk, August 13, 1835, B. N. 35, L. N. 47.  
 Secretary Agra Government to Metcalfe, B. N. 35, p. 443-44.  
 Metcalfe to Clerk, November 3, 1835, B. N. 35, L. N. 68.  
 Metcalfe to Clerk, May 31, 1836, B. N. 36, L. N. 43.

The allowances proposed by Clerk for the Jind widows were thought to be so large,<sup>1</sup> that Government brought this fact not only to his notice but also to that of the Agent, Governor-General at Delhi. When Metcalfe sent the letter directing the transfer of the lands to Maharaja Ranjit Singh, he also drew the attention of Clerk to the second paragraph of the orders of the Government of Agra, dated July 8, 1835.<sup>2</sup> Again in a letter, the Secretary wrote to Metcalfe that the provision proposed by Clerk was thought to be unnecessarily large and asked him to propose the allowance for the widows if there had been a successor to the Raj.<sup>3</sup> Replying on March 8, 1836, Clerk stated : " under such circumstances their fixed jointures might perhaps have not amounted to more than the half proposed by me, but.....the Chiefship would have incurred a certain expenditure beyond the revenue of the villages assigned to them."<sup>4</sup>

When the orders of the Government arrived, Clerk proceeded to take possession of the Chiefship of Jind immediately. Writing to Metcalfe on September 16, 1835, he told him that he had asked

1. See Appendix III to Chapter III, pages.....

2. Metcalfe to Clerk, July 17, 1835, B. N. 35, L. N. 36.

Secretary Agra Government to Clerk, July 8, 1835, B. N. 35, p. 373.

The second paragraph was as follows :—

" Should these orders render it expedient in the opinion of the Political Agent at Ambala, to modify the propositions contained in his letter of the 12th ultimo as to the amount of jointures to be assigned to the widows of the late Raja of Jind, you will instruct Mr. Clerk to submit a revised statement of each jointures". In reply to it, Clerk said that the revenue of the lands being transferred to Ranjit Singh was only about Rs. 9000 per annum and, therefore, there was no necessity for modifying the provision of the widows.

Clerk to Metcalfe, July 23, 1835, B. N. 81, L. N. 86.

3. Metcalfe to Clerk, February 23, 1831, B. N. 36, L. N. 14.

Secretary Agra Government to Metcalfe, B. N. 35, p. 66.

4. Clerk to Metcalfe, March 8, 1836, B. N. 82, L. N. 29.



Lieutenat - Colonel Skinner, Commanding at Hansi, to send a detachment of troops to Jind to enable him to carry out the orders of Government in regard to that Chiefship.<sup>1</sup> He also asked Skinner to send two companies of Native infantry, one company of the Begam Samru's and a Rissala of the Skinner's Horse as these would be enough to over-awe the discontented Sikh soldiers or to render futile their attempts at resistance.<sup>2</sup> The next day, on the 17th September, he again wrote to him to say that the infantry was not required as Mai Sahib Kunwar, having doubtless ascertained that troops had been sent for, had issued her orders for the withdrawal of her several Thanas.<sup>3</sup> These displaced men would be dispersed by the force of

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1. Clerk to Metcalfe, September 16, 1835, B. N. 81. L. N. 104.

2. Clerk to Skinner, September 16, 1835, B. N. 81, L. N. 154.

Clerk wrote : " With a view to prevent the opposition, which it seems likely may be offered by the Sikh soldiers, in the service of the Jind family to the occupation of the fort of Jind and several other small forts of other Parganas of this state, it is desirable that a detachment of your troops should join me. The soldiers in the Jind service who can be assembled from their Thanas in the vicinity may number together with the garrison of about 500 Horses and 350 Sabandis. As yet no attempt has been made to enrol new troops for defence of the country, nor do I suspect Jind Sardarnis have any such intention. You will yourself be the best judge of the strength and nature of the detachment best calculated to effect speedily the occupation of the Thanas. ..."

3. Clerk to Skinner, September 17, 1835, B. N. 81, L. N. 55.

Also see Clerk to Skinner, September 22, 1835, B. N. 81, L. N. 156,

Clerk explained to Metcalfe why he had to write to Colonel Skinner for troops. There used to be a Rissala of irregular Horse, but it had been withdrawn and he wrote to Metcalfe that a cavalry force should be permanently stationed at Ambala, as no reliance could be placed on the forces of the Chiefs on such occasions (B. N. 81, L. N. 104). The Agra Government seemed to have been surprised at this information and asked Clerk to explain the circumstances and authority under which the Skinners Horse was withdrawn and why the substitution had been found to be defective. (B. N. 35, LL. N. 63 and 66, October 14 and 28, 1835.

Patiala, Kaithal and Nabha beyond the frontier of Jind but it was just possible that they might refuse to disperse. Moreover, the establishment of Thanas required a show of force and so he requested Skinner to send two companies of Begam Samru's troops and one Rissala of the 1st Local Horse to join him immediately.

On the 19th, Clerk<sup>1</sup> reported to Metcalfe that Rani Sahib Kunwar had withdrawn all her Thanas. She would have done so at once on the receipt of the orders of Government, but her intentions were strongly opposed by the Jind troops and their leaders. These forces had been marched into the states of Patiala and Nabha. Clerk added that he had with him the orders of the Rani Sahib Kunwar for the transfer of several forts and Thanas in Jind and he hoped to introduce the British Police throughout Jind by the next day. The detachment coming from Hansi would be distributed in such a way so as to support the police and keep a check on refractory villages. Clerk did not think that there would be any armed opposition but it was necessary to inspire confidence in the people and that purpose would be admirably served by the presence of the Hansi detachment. Clerk added that he had established Thanas in the fort and town of Jind. Some police force had to be maintained and therefore he had requested Colonel Skinner to procure 40 *sawars* and one Daffedar for the purpose.<sup>2</sup>

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1. Clerk to Metcalfe, September 19, 1835, B. N. 81, L. N. 106.

2. Clerk wrote on October 16, 1835, that Colonel Skinner had engaged one Rissaldar at Rs. 50 per month, one Daffedar at Rs. 30 per month, and 40 *sawars* at Rs. 18 per month each. (B. N. 81, L. N. 118). Two companies of Begam Samru's troops were also kept at Jind (B. N. 81, L. N. 115). It was on November 9, 1835, that Clerk wrote to Skinner that he had directed one company of Begam Samru's troops to return to Hansi. (B. N. 81, L. N. 157).

On September 25, Clerk reported that he had placed the Thanas at Saffedon and other dependent forts in the Jind territory. The refractory villages had submitted and the border villages, which were involved in quarrels with their neighbours, had desisted from violence and agreed to submit their differences for investigation. Meanwhile Clerk was making preparations to visit the other Parganas.<sup>1</sup> He also abolished the transit duties throughout Jind.<sup>2</sup> The report of Clerk having established Thanas in Jind was received with great satisfaction by the Agra Government and Metcalfe conveyed the approval of the Governor, who was highly gratified to learn that the inhabitants of the country had peacefully submitted to the change of rule.<sup>3</sup>

About the administration of Jind territory, Clerk had proposed a three year settlement of the land and appointment of three Assistants to look after Jind.<sup>4</sup> Metcalfe wrote back that one officer—Mr. Edgeworth and one Assistant, Mr. Gordon—were to be appointed to the charge of the Parganas of Morinda, Sangrur, Balawali, Mudki and Basia; that Jind and Suffedon were to be separated from Ambala and placed under Delhi; and that later on, the former was to be joined to Rohtak and Hansi and the latter to Panipat.<sup>5</sup>

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1. Clerk to Metcalfe, September 25, 1834, B. N. 81, L. N. 107.

2. Clerk to Metcalfe, August 19, 1836, B. N. 82, L. N. 138.

3. Metcalfe to Clerk, November 3, 1835, B. N. 35, L. N. 68.

Secretary Agra Government to Metcalfe, October 10, 1835, B. N. 35, p. 609-10.

4. Clerk to Metcalfe, November 10, 1835, B. N. 81, L. N. 130.

Metcalfe to Clerk, January 1, 1836, B. N. 36, L. N. 1.

Bushby to Metcalfe, December 19, 1836, B. N. 36, p. 2—4.

5. Clerk expressed himself against the management of Jind and Suffedon by the Delhi office and observed: "I see no advantage in subjecting them to so distant a control, as this is beyond that of the greater degree of discretion and latitude of action allowed to me in such administration than could be exercised by a local officer subjected to the regulations in force in the Division of Delhi....." He was definitely opposed to the introduction of the Regulations in Jind territory, as the people would be fit to be so governed after three years; an experienced officer could manage the territory in subordination to Delhi but only when the Regulations were not to be introduced; only then it would be beneficial equally to the people and to the lands.

Clerk to Metcalfe January 7, 1836, B. N. 82, L. N. 3.

All this was of course temporary, because many claimants were bringing their claims to the notice of Government. Writing again, Clerk said :<sup>1</sup> " The Jind question will now be shortly settled and should its territory continue under British Government,<sup>2</sup> some arrangement would have to be made. The direct management of the affairs of several tribes of Sikhs entail of course a good deal of additional trouble for this office. "

I now take up the claims of different people to the Chiefship of Jind. As remarked earlier, the descendants of Bhup Singh were the nearest collaterals of the late Raja Sangat Singh ; in fact, his two grandsons, Sarup Singh of Bazidpur and Sukha Singh of Badrukian were the two strongest claimants. The claim of the former was accepted by the Supreme Government as he represented the senior line. The other claimants were Raja Jaswant Singh of Nabha, Rani Sabha Kunwar the senior widow of Sangat Singh and Rani Bhagbhari, the senior widow of Kunwar Partab Singh, the younger brother of Raja Fateh Singh.

Sarup Singh presented a petition<sup>3</sup> twice to Agra Government,

1. Clerk to Metcalfe, September 1, 1836, B. N. 82, L. N. 147.

Clerk said : " I would not recommend any alteration in the present establishment, whereby the prevention has almost been accomplished of dacoities or open robberies by gangs, which the neglect of his country by the late Raja for several years past.....".

2. This annexation aroused a great dissatisfaction among the rulers of Patiala and Nabha ; their agents, attending on Clerk, expressed the view of their employers on the subject of sending a deputation to Calcutta to protest against the action of the British Government.

(Clerk to Metcalfe, January 23, 1836, B. N. 82, L. N. 11).

3. The following letters should be studied in connection with Sarup Singh's petition :—

Metcalfe to Clerk, December 30, 1835, B. N. 35, L. N. 93.

Bushby to Metcalfe, December 16, 1835, B. N. 35, p. 766.

Sarup Singh to Lieutenant-Governor Agra, November 5, 1835, B. N. 35, p. 767—777.

Secretary Agra Government to Metcalfe, September 9, 1835, B. N. 35, L. N. 94.

*Continued on next page*



at first in August and then in November 1835, and sent a copy of the second petition to the Supreme Government. He thus described his case : Raja Gajpat Singh, the founder of the Jind Chiefship had three sons—Mehtar Singh, Bhag Singh and Bhup Singh. The first died when Gajpat Singh was alive leaving a son Hari Singh who died childless.<sup>1</sup> Raja Bhag Singh succeeded to the gaddi after the death of Gajpat Singh. He had three sons—Fateh Singh, Mehtab Singh and Partab Singh. Two younger sons died leaving no male heirs ; Fateh Singh succeeded, after the death of Bhag Singh. He had an only son, Sangat Singh. He was the Raja of Jind after the death of his father and had died childless. Sarup Singh was the grand-son of Bhup Singh, who was the brother of Bhag Singh and the third son of Gajpat Singh. Therefore, Sarup Singh said that he was the heir and successor of Raja Sangat Singh and deserved the gaddi of Jind, being the nearest male heir. His first petition contained the following appeal :— “ I, therefore, apply to you to be installed in the inheritance of my fore-fathers by right of my lawful descent from the first founder of the principality conformably with the customs of my country and the Hindu Law of inheritance, the usages of the Protected Sikh States and the four

*Continued from page 148*

Sarup Singh to Lieutenant-Governor, Agra, August 21, 1835, p. 774—78.

Sarup Singh to Clerk, May 6, 1835, p. 778—83.

Metcalf to Clerk, January 18, 1836, B. N. 36, L. N. 5.

Bushy to Metcalfe, January 6, 1836, B. N. 36, p. 18-19.

Sarup Singh to Governor-General, November 11, 1835, B. N. 36, p. 20.

Sarup Singh to Lieutenant-Governor, Agra, B. N. 36, p. 20—23.

Or (B. N. 35, p. 774—78).

Sarup Singh to Clerk, p. 23-24. Or (B. N. 35, p. 778-79).

Jiwan Ram Agent of Sarup Singh to Clerk, p. 24-25.

Sarup Singh to Clerk, p. 25-26. Or (B. N. 35, p. 781—83).

Sarup Singh to Metcalfe, p. 27. Or (B. N. 35, p. 784-85).

Sarup Singh to Lieutenant-Governor, Agra, p. 27—30.

Or (B. N. 35, p. 767—71).

1. But he had a daughter, Chand Kaur, who was married to Fateh Singh Thanesar.

principal Houses of Patiala, Nabha, Jind, Kaithal, commonly called the Phulkian family, from the commencement of the Sikh authority in this country to the present day.”<sup>1</sup>

Sarup Singh’s petition failed to produce any appreciable effect. The reply given was that the Supreme Government had decided that as his father Bhup Singh had obtained a separate provision and since that had nothing in common with the Chief of the Jind territory, he or his descendant had no claim upon the Chiefship.<sup>2</sup>

In this second petition, Sarup Singh made a spirited reply:<sup>3</sup> “If this be the criterion to judge of the birth-right of men in this country, there is not a Chief or a petty land-holder throughout these tracts who can be said to have lawful right to an inch of land. He also appealed to the Third Article<sup>4</sup> of the proclamation of 1809, issued

1. Vide Petition of Sarup Singh, August 21, 1835, B. N. 35, p. 775.

2. Scott to Metcalfe, September 9, 1835, B. N. 35, L. N. 94.

Bushby to Metcalfe, December 10, 1835, B. N. 35, p. 766.

Scott had asked Metcalfe to ascertain and report on Sarup Singh’s claims, his circumstances and means of support.

The Sardar had also complained that he had not been shewn any documents relating to his case (B. N. 36, p. 28, Petition of Sarup Singh, November 5, 1835) and instructions were sent by Lieutenant-Governor that necessary documents should be shown by Metcalfe to the petitioner.

3. Sarup Singh observed : “ It is said that owing to my grand-father having forcibly possessed himself of a small portion of the Jind principality after the death of Raja Gajpat Singh and before the arrival of the British authority in this country, that the late agent and commissioner, Mr. W. Fraser, considered my claim to serve heir to the Jind State as undeserving of consideration.....  
“ Vide, Petition of Sarup Singh. (B. N. 35, p. 767, November 5, 1835).

4. The third Article was as follows :—

“ The Chiefs shall remain in the exercise of the same rights and authority within their own possessions which they enjoyed before they were taken under British Protection ”.

to the Cis-Sutlej States by British Government on their first assumption of the protection, which guaranteed to them the privileges and customs enjoyed and exercised by them from the time of their settlement. According to Sarup Singh, "..... the present assumption of the Jind State on the part of the British Government or even conferring it on the females of the family of the late incumbent in any shape while there are undeniable male heirs is an infraction of that sacred pledge." The Sardar further averred: "Every Chief in the country has some collateral relations who enjoy maintenance from the principalities which when become vacant by failure of male issue of the body of the last incumbent is forthwith supplied by the nearest of kindred from amongst them." Sarup Singh was of the view that his estate would have been resumed by the Jind Chief, had he died childless; now the Chief had died and he, therefore, was entitled to succeed him.<sup>1</sup> Finally, he again made a very moving appeal in the following words:—"I respectfully refer my claim and case which agreeably to the Dharam Shastra and the custom of the country, the whole of the Chiefs great and small are unanimous in awarding to me and from the equitable disposition of the British Government. I confidently hope that if they will condescend to take my case into impartial consideration, they will not, by reason of the established usages, which have been hitherto counteracted and upheld by themselves of their own inviolable observance of agreement and guarantees and the long loyalty of the late Raja Bhag Singh, oppose the establishment of his own race and blood in the person of a grand-

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1. The Sardar quoted the case of Alwar whose Chief had died leaving a son by a Mohammadan wife; the tribe of the ruler selected one Beni Singh, whose selection was approved by the British Government, and the son was given a maintenance. Similarly, if Raja Karam Singh of Patiala were to die without an heir, the Sardar felt that it would go to his younger brother Ajit Singh, though by a different mother and not to the females. The Sardar said that this principle had been acknowledged and acted upon by the Supreme Government in every case.

nephew and a great-grandson of their mutual ancestor Raja Gajpat Singh or approve of the confiscation of this small state and deprive the lawful heir of his heritage as having in the first place sheltered us from the grasp of others to deprive us of our possessions afterwards.”<sup>1</sup>

In the petition of August 21, 1835, appealing to Government to reconsider his case favourably,<sup>2</sup> Sarup Singh had quoted six different cases in support of his claim.<sup>3</sup>

Bushby, Secretary at Agra, on the presentation of Sarup Singh's petition<sup>4</sup> asked Metcalfe to ascertain from Clerk, answers to the following queries :—

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1. Vide, Petition of Sarup Singh, November 5, 1835, B. N. 35, p. 767—771.
  2. He had also written a letter to Metcalfe, saying “ .....I am now the lineal heir to the Chiefship which was founded by my grand-father—Raja Gajpat Singh.....and you .....,will ascertain the customs and usages of Patiala, Nabha, Jind, and Kaithal families from the whole of the Chiefs of this country.....” B. N. 35, p. 784-85, July 7, 1835.
  3. They were :—
    - (i) The estate of Kakrala ; it was given to Bhai Lal Singh of Kaithal, after the death of Bhai Karam Singh.
    - (ii) The estate of Jassa Singh of Baidwan : it was made over to his brothers, after his death.
    - (iii) The estate of Kharak Singh of Shahabad : it was given to Sher Singh after his death.
    - (iv) The estate of Nur-un-Nissa of Malerkotla : after her death, it was made over to the descendant of Jamal Khan, the founder.
    - (v) The Pathan estate of Kunjpura : on the death of Nawab Bahadur Jang Khan, it was given to his brother, Ghulam Ali Khan in preference to his widow.
    - (vi) The estate of Jaimal Singh Buria : it was at first given to widow : after her death, it was given to Gulab Singh, the brother of Jaima Singh, though by a different mother.

4. Metcalfe to Clerk, January 18, 1836, B. N. 36, L. N. 5.

Bushby to Metcalfe, January 6, 1836, B. N. 36, p. 1 -19.



(a) Whether a member of a Sikh family, who acquires by separation an independent portion of the ancestral property, is entitled to any reversionary benefit from the remainder of the property in the event of the other branch of the family becoming extinct by default of heirs——if this be the invariable custom in regard to ordinary property, is it also held to be the rule in respect to a principality or a Chiefship.

(b) Whether the Taaluq which was allotted to Bhup Singh——was considered a separate Riasat or Chiefship and whether that circumstance would exclude his descendants from succeeding to the Riasat of the elder branch of the family.<sup>1</sup>.....”

(c) Whether Metcalfe could report “ any instance of property similarly circumstanced lapsing to the Paramount power before we took the Sikh states under our protection ”.

Clerk made two replies to the petition presented by Sarup Singh ——the first on October 23, 1835, and the second on March 23, 1836. In the first,<sup>2</sup> he dealt with the query under the heading (b) above and then dealt with the cases cited by the Sardar.<sup>3</sup> He referred to his letter of November 6, 1814, reporting the death of Raja Sangat Singh, in which he had mentioned how Bhup Singh, the grand-father of the

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1. This was the point which had to decide the claim of Sarup Singh. If Bhup Singh and his descendants were incompetent to inherit the Chiefship because of their separate estate, the claim of Sarup Singh would not hold water. The Sardar insisted that he could inherit in spite of the separation of his ancestral estate. But Government, in the case of Ferozepur, had refused to sanction such a right.

2. Clerk to Metcalfe, October 23, 1835, B. N. 81., L. N. 121.

3. See Appendix IV to Chapter III, p.....

petitioner, had obtained in 1789, Badrukian and five dependent villages as a separated portion of the Jind territory. Perhaps that was the reason why Fraser, the late Agent at Delhi, considered the claims of the descendants of Bhup Singh to the Chiefship to have been invalidated by their possession of a separate Taaluq, "previous to connection of the British Government with these states and to the recognition of them by the British authorities as Chiefs, independent of Jind." Again, when Sardar Karam Singh, the father of the Petitioner, made a complaint to Ochterlony in 1816, against his younger brother for possessing more than a moiety of the Taaluq, he had represented it as being their Chiefship.<sup>1</sup>

In the second and more important letter,<sup>2</sup> Clerk dealt with Bushby's query under the heading (a) above, and observed that among the Malwa Sikhs or that class of Jats to which belonged the family of Jind, private real property would, in the event of the other branches of a family becoming extinct by default of male heirs, revert to a descendant notwithstanding his separation in the enjoyment of an independent portion of the estates of ancestors. But Clerk maintained that the law had not been violated by Government's decision in the Jind case. He argued that Gajpat Singh was a Taaluqedar paying revenue to the Mughal Government, and that the British Government had succeeded to the position of paramountcy claimed by the Mughal rulers though it was not getting any tribute or revenue from the Sikh States. Had the British Government been in receipt of any money payment from the Cis-Sutlej States, it could not have any right to resume the territory of a Chief, who died without male heirs,<sup>3</sup> as the estate in that case would have been considered private property.

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1. Clerk to Metcalfe, October 23, 1835, B. N. 81, L. N. 124.

2. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

3. This point has already been fully dealt with in the beginning of this Chapter.

Clerk then gave some particulars about Karam Singh, the father of Sarup Singh. He wrested the Taaluq of Badrukian from his father who had been given the Taaluqs of Badrukian and Bazidpur. Subsequently Bhup Singh recovered the place from his son and gave him the village of Mohammadpur for his maintenance<sup>1</sup>. Karam Singh was not content with it; he secured Bazidpur by force but could not retain it for long. Later on, he went to the court of Maharaja Ranjit Singh and entered his service. A little time before his death in 1816, Bhup Singh made a partition of his territories; he assigned to his younger son, Bassawa Singh, the bigger estate of Badrukian while to Karam Singh, his elder son, he gave the lesser estate of Bazidpur, on account of his "disobedience". Sarup Singh was the Chief of Bazidpur<sup>2</sup>.

Again Clerk was of the view that Sarup Singh could not inherit Jind Chiefship so long as the relations of the British Government with these States were conducted on the principles of the proclamations of 1809 and 1811. The first of the principles as laid down by the order of Government was that of securing the Chieftains in possession of the lands which they respectively held antecedently to the last excursion of Ranjit Singh (in A.D. 1807) into the territory situated between the Jumna and the Sutlej. What Clerk meant was that Bhup Singh had received Badrukian and Bazidpur in separate Chiefship; his descendants, therefore could only claim the above two Taaluqs and their claim to the Jind territory, a separate Chiefship, was untenable. He was referring to the rule, prevalent among the

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1. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44,

2. *Ibid.*

Sikhs, that if an estate had been separated into two portions, both the portions acquired the characteristic of an independent estate and in case of failure of heirs, escheated to the Supreme Government, to the exclusion of male collaterals.<sup>1</sup> The most famous case was that of Thanesar, which Clerk quoted again and again in support of his argument that Jind should be resumed by the Supreme Government.<sup>2</sup> He compared the territory left by Gajpat Singh of Jind with the Thanesar estate.<sup>3</sup>

1. Clerk to Metcalfe, January 22, 1841, B. N. 83, L. N. 169.

Clerk was talking of the claim of Wazir Singh of Nagla Lalpur to the estate of Gadauli. Nagla Lalpur and Gadauli had been separated into two independent Chiefships in 1803. Therefore, the Sardar of Nagla could not succeed to the estate of Gadauli which escheated to the British Government. Clerk said: "This rule of considering estate of this description having no lineal heirs, to escheat to the paramount state to the exclusion of collateral heirs, where these have prior to 1807, been fixed in a separate Estate, has been maintained by the British Government on its assuming the management of Bilaspur in 1820, Thanesar in 1832, Tira in 1837 and other instances."

2. Another example given by Clerk was that of Buria, belonging to Bhagwan Singh, which was divided among his two widows. On the death of one, the survivor claimed her portion but Government rejected her claims.
3. Clerk to Metcalfe, February 25, 1835, B. N. 81, L. N. 34.

Clerk observed about Gajpat Singh's territory: "His property having now been left in circumstances similar to those in which the Thanesar estate was to be found in 1832.....a failure of heir male and four female claimants, when the Chiefship was held to have escheated and was accordingly assumed by the Government".

Thanesar consisted of two separate portions....two-fifths the share of Bhag Singh and three-fifths that of Bhanga Singh. The former passed into the control of the British Government when Jamiyat Singh died in 1831; the latter portion remained with the two widows of Fateh Singh, who were given possession after the death of their mother-in-law, Mai Jian. The estate of Jamiyat Singh escheated because there were no male heirs; the claim of his widows was considered and rejected while in the other portion, the widows were allowed to succeed.

Clerk ignored one distinction between Jind and the lapsed estate of Thanesar. The former had collateral heirs while the latter had none. Hence the comparison, enunciated by Clerk, is not very fair.



To Bushby's query under (c) above, Clerk replied that the lands of the nature of Jind Chiefship, yielding revenue to the Mughals, so long as the Southern Sikhs acknowledged any paramountcy, "have been treated as private property and regulated by the rules of succession applicable to the property of such a nature among Jats." What he meant was the Jind Chiefship in the event of the payment of tribute, could have been acknowledged as such; as it did not pay any tribute, it was not private property.<sup>1</sup> He argued that if the Sikh Chiefships were to be treated as private property, the result would be disastrous. According to him, "the universal division of landed property, which would rapidly ensue, would, in a brief space of time, compel the British Government to undertake the entire management of these territories, to the utter annihilation of all Sardaris as now on all sides enjoyed".<sup>2</sup>

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1. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

2. Clerk observed : " We should, I conceive fall in great error, were it to be treated as a case private of personal property.....If this demand means anything it means that the claims should be resolved by the laws of inheritance applicable to ordinary property. But should this be granted.....should the distinction be lost sight of.....which it had hitherto been deemed expedient to observe between rules of succession to private property among Jats and the regulation of Chiefship.....it is not the British Government whose authority and resources which thereby become curtailed.... "

Clerk could not give any specific instance of a property similarly situated lapsing to the Paramount Power before 1809. Murray had also pointed out the evil consequences if Government were to be guided by the Hindu or the Mohammadan Laws of private property in succession to Chiefships (B N. 74, L N 293). But Clerk's successor, Richmond wrote that a majority of Cis-Sutlej Chiefs affected " to consider their possessions as private property only and not as involving sovereign rights ". (B. N. 88A, L. N. 94, February 15, 1844).

Clerk next replied to the point about the Dharm Shastra raised by Sarup Singh in his petition. According to him, the Shastras had nothing to say about the succession to Chiefship and that they only contemplated private property.<sup>1</sup> He observed : "..... What have Sikhs to do with the Dharm Shastra? But if they, at this time of day, desire to adopt new laws and customs, in respect to territories, which have hitherto, under the protection of of the British Government, stood on the footing of the Sikh Khalsa Ji, assuredly, the paramount power could justly ordain laws as enlightened and quite as congenial to the spirit of the Sikhs as those of a people, whose tenets and ordinances they renounced for those prescribed by the founders of their new faith. What would be thought of Moham-madan converts, who became Sikhs, appealing to Sharah. Yet this would not be more unreasonable than the Sikh Hindu convert, referring, because in a particular instance it seems convenient to do so, to the doctrines he has forsaken. The resolving by the British authority of questions relating to any Sikh property, by the Hindu Shastra, under the idea, that it is necessary to adopt them as the prescriptive is, therefore, a mistaken rule".<sup>2</sup>

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1. Even, according to the Hindu Law, there is a fundamental difference between private property and a Chiefship. As a historian has remarked : " This division of private and public interests may be traced in the rules governing the partition of family estates, in which all sons have a share. But such is not the case where the Chiefship is concerned.....No administration could be maintained even in name, were the partition and disintegration permitted. The younger sons of the ruling Chiefs are, therefore, placed in a worse position than the sons of the private citizens ".
  2. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.  
Clerk to Maddock, March 16, 1839, B. N. 83, L. N. 110.

Clerk is here being unfair to Sarup Singh. The Sikh laws were based on Hindu Shastras ; the teachings of the Hindu Shastras could not be forgot en by the Sikhs and the appeal to them, by Sarup Singh, was natural and inevitable. Lawrence, in this connection, remarked in his Report on Kaithal, as follows :—

" It will be gathered.... that I do not consider that the rules of succession in the Protected Sikh states have hitherto been based upon the laws of Hindu inheritance : if they had been, we could not have inherited a single estate ". (B. N. 88A, p. 241). Again in the same Report, he pointed out that neither the Malwa nor Manjha Sikhs followed the Hindu Laws of Inheritance. (p. 344).

After having discussed, at length, the claim of Sarup Singh, we now turn to discuss the claims of other claimants—Raja Jaswant Singh of Nabha, Sukha Singh, Sabha Kunwar and Bhagbhari.

Raja Jaswant Singh of Nabha sent a deputation to Allahabad and a confidential agent to Clerk, to deliver the following message; "that if the Supreme Government should give up Jind, the Raja desires he may not be considered as approving of the claim advanced by Sarup Singh, but prepared to offer himself a candidate and to tender any amount of tribute that may be required of him".<sup>1</sup> The agent again waited on Clerk, after a few days, to explain the Raja's view in regard to Jind.<sup>2</sup> He stated that the Raja considered himself as a collateral heir of prior claim to Sardar Bhup Singh's branch, his (the Raja's) great grand-father having been the uncle of Gajpat Singh. He, of course, was referring to Gurditta, who died in 1754 and was the son of Tiloka and the brother of Sukh Chain, the father of Gajpat Singh. The agent also referred to the decision in the Kakrala case in which the estate was awarded to the Bhai of Kaithal, to the exclusion of the other branches of the Bhaikian family,<sup>3</sup> and dwelt on the expediency of transferring the charge of Jind to a state possessing the authority and the means requisite to the due administration of extensive territories in preference to adopting as their sovereign a less substantial and

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1. Clerk to Metcalfe, June 15, 1836, B. N. 82, L. N. 104.

Clerk mentioned the petitions of Sukha Singh and Sabha Kunwar also, claiming the Jind Chiefship and added: "There appear to be several parties preparing likewise to prefer such claims".

2. Clerk to Metcalfe, June 24, 1836, B. N. 32, L. N. 110.

3. Also see B. N. 81, L. N. 121.

influential scion of the family.<sup>1</sup> In conclusion, the agent said that the Raja was prepared to tender a Nazrana of four lakh of rupees on the recognition of his title to inherit the Jind territories.<sup>2</sup> The claim of the Raja was declared inadmissible by Government on the ground that Jind was acquired by Gajpat Singh, subsequent to the separation of the Nabha Branch.<sup>3</sup>

As to the claims of Sukha Singh, the son of Bassawa Singh of Badrukian, he presented a petition on which Metcalfe invited Clerk's views.<sup>4</sup> Clerk replied<sup>5</sup> that Sukha Singh vested his claim on his cousin Sarup Singh's family having been disinherited from rebellion, on his having performed the funeral obsequies on occasion of the late Raja's death and on an alleged Jind custom of devolving the inheritance on second sons. Clerk observed that the first two assertions were facts while the third was not borne out by the history of the Jind House. Sukha Singh apparently for got that by saying that the second sons inherited the estate, he was disqualifying himself in favour of his younger brother, Bhagwan Singh. As Clerk so effectively put it that if the third assertion of Sukha Singh were accepted, Bhagwan Singh, the second son of Bassawa Singh, would seem to have the stronger claim. At first his claim was rejected outright.<sup>6</sup> Later on, it was reconsidered,

1. Clerk to Metcalfe, June 24, 1824, B. N. 82, L. N. 110.
2. Clerk said: " This I repeat in order to exhibit fully Raja Jaswant Singh's intentions and not in the idea that such a proposition would at all accord with the view of the Supreme Government.
3. Metcalfe to Clerk, July 15, 1836, B. N. 36, L. N. 57."  
Bushby to Metcalfe, July 9, 1836, B. N. 36, p. 199.  
Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.
4. Clerk to Metcalfe, June 15, 1836, B. N. 82, L. N. 104.  
Metcalfe to Clerk, June 22, 1836, B. N. 36, L. N. 50.
5. Clerk to Metcalfe, July 4, 1836, B. N. 82, L. N. 114.
6. Metcalfe to Clerk, July, 15, 1836, B. N. 36, L. N. 57.



Metcalf, referring Clerk to the letter of the Secretary of Agra in which the Lieutenant-Governor required further information about the disinheritance of Karam Singh from his son Sarup Singh and also the reason why Sukha Singh was called to perform the funeral ceremonies of the late Sangat Singh.<sup>1</sup>

Clerk sent the reply of Sarup Singh to the above query, with his own replies to the others.<sup>2</sup> The disinheritance of Karam Singh was denied by his son Sarup Singh, though Clerk was of the view that relations between the father and the son, viz, Bhup Singh and Karam Singh, were badly strained. The forcible seizure of Beziapur embittered the relations all the more. When Karam Singh died, after his return from the Punjab, none of the branches of the family paid the usual visits of condolence, which omission was strongly marked by the deputations sent and the respects paid to the family of his younger brother Bássawa Singh on his death, a few years later at Badrukian. Again, by the decision of the Phulkian Chiefs, the greater share of the inheritance,—about two-thirds—was given to Bássawa Singh, though they pretended to divide the patrimony equally between the two brothers. Clerk could not say very definitely how far could Sarup Singh be considered ineligible by the disinheritance of Karam Singh as alleged by Sukha Singh. He observed; “How far such an

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1. Metcalf to Clerk, August 5, 1836, B. N. 36, L. N. 69.  
Secretary at Agra to Metcalf, July 27, 1836, B. N. 36, P. 244-45  
Also Sukha Singh's petition, B. N. 39, p. 175-86.
  2. Clerk to Metcalf, December 1, 1836, B. N. 82, L. N. 181.

Clerk gave the example of Raja Jaswant Singh of Nabha who being offended with his son (Ranjit Singh), sought finally to secure the disinheritance of him and his child.....(Both of them died and gaddi passed to the second son, Devindar Singh). I have referred to it later on in the monograph.

alienation of the member of a family would affect in later times the heirs of the offending party, it is difficult to pronounce, as I have not been successful in finding any case analogous in all points in the families of the Protected Sikhs". The funeral ceremonies of Sangat Singh were performed by Sukha Singh, just as those of the grandfather (Bhup Singh) were performed by his father (Bassawa Singh); the elder son (Karam Singh), who was said to have come for the same purpose, seemed to have been excluded. Clerk held that if this did not disqualify Sarup Singh's father from inheriting the property of his own father, it should not stand in the way of Sarup Singh's inheritance. On the occasion of Sangat Singh's death, Sarup Singh was not present and the rites were performed by Sukha Singh; as Clerk observed: "..... it is obvious that in cases of death so sudden as that of Raja Sangat Singh, circumstances of time and convenience may often, especially in this climate, compel the performance of funeral obsequies by those relatives of the deceased who can first reach his corpse,. But Clerk argued that this fact alone could not confer a title to inheritance. As he wrote: "Moreover it is contrary to the Hindu Law to deem that the personal superintendence of the funeral rites can singly confer a title to inheritance of the deceased".<sup>1</sup> He further observed that the argument of Sukha Singh that Chiefship in the Phulkian families passed to the second merely proved that some times a younger son was preferred to the elder<sup>2</sup>. Sukha Singh's claim at first was not considered very seriously<sup>3</sup> but he persisted for a long time. As late as 1839, — two years after his cousin Sarup Singh had been declared the Raja of Jind, — he petitioned Govern-

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1. Clerk to Metcalfe. December 1, 1836, B. N. 82, L. N. 181.

2. In this connection, Clerk said: "This must often be the case where the imbecility of old age or its indolence or its fondness is liable to yield to the importunities of a younger wife in favour of latest off-spring".

3. Metcalfe to Clerk, June 22, 1836, B. N. 36, L. N. 50.

Metcalfe to Clerk, October 24, 1836, B. N. 36, p. 355.

ment; it was only when he was finally and firmly told that his claim could not be considered by Government, that he desisted<sup>1</sup>. It only embittered the relations between Sarup Singh and himself.<sup>2</sup>

As to the claim of Rani Sabha Kunwar, Clerk showed surprise and wrote that it did not accord with her previous communications. She and her father, Sardar Ranjit Singh, had expressed the hope that the British Government would give her a liberal jointure and that was what she had desired.<sup>3</sup> According to Clerk, she was only bringing her claim forward lest she might meet with less consideration, should the Chiefship be transferred to others. Government decided that her claim was not worthy of much consideration.

As to the claim of Rani Bhagbhari, the widow of Partab Singh,<sup>4</sup> Clerk sent for her agent and questioned him as to the grounds on which she rested her claim. Clerk was told that her claim was as the wife of Kunwar Partab Singh, the favourite son of Raja Bhag Singh and "that she knows of no other claimant who has better pretensions".<sup>5</sup>

1. B. N. 39, p. 189, Petition of Sukha Singh.

Metcalfe to Clerk, April 10, 1839, B. N. 39, L. N. 16.

For Sukha Singh's petition, also see p. 175-186, March 29, 1839.

2. Clerk to Metcalfe, August 4, 1837, B. N. 83, L. N. 36.

Sarup Singh tried to mediate between Sukha Singh and his younger brother Bhagwan Singh in a dispute and as Clerk said, Sarup Singh had shown a bias towards the latter and signs of animosity towards the former.

3. Clerk to Metcalfe, June 15, 1836, B. N. 82, L. N. 104.

4. Metcalfe to Clerk, July 15, 1836, B. N. 36, L. N. 57,

5. Clerk to Metcalfe, July 4, 1836, B. N. 82, L. N. 115.

Metcalfe to Clerk, June 14, 1836, B. N. 36, L. N. 53.

Kunwar Partab Singh was the second son of Raja Bhag Singh and died at a young age, without leaving any issue. He had thrice married—Bhagbhari, Rattan Kunwar and Ram Kunwar; there was another widow Sub Rai, whose position was not clear (B. N. 81, L. N. 70).

Clerk said: "It does not strike, nor there is anything in this claim which renders it more desirous of attention than the others that have been referred." Her claim being judged as "preposterous and absurd" was rejected.

It will not be out of place to mention here that Sukha Singh's claims were being advocated by the Bhai of Kaithal;<sup>2</sup> in the same manner, Sarup Singh had come to an understanding with Patiala and Nabha promising in the event of his success his allegiance to the former, and the restoration of the latter, of Sangrur, which had once belonged to that state. Besides, all these rulers had sent a deputation to Agra, to request Government to expedite the decision in the Jind case. But the deputation was dismissed.<sup>3</sup> Metcalfe, addressing letters to the different rulers, said that the whole question of Jind was under the consideration of Government which would give its decision after making due investigation and that Government had devised inquiry to be made respecting the right of Sarup Singh.

Writing on August 8, 1826,<sup>4</sup> Metcalfe referred Clerk to the letter written to him by the Secretary at Agra and asking him to furnish the required information. The letter ran as follows :—

1. Metcalfe to Clerk, August 1, 1836, B.N.36, L.N. 65.

Secretary at Agra to Metcalfe, May 27, 1836, B.N.36, p.218.

Secretary added: "It seems, however, to the Lieutenant Governor to be a claim on the lady's part to a third of the Chiefship or to a joint possession of other widows on the ground that Raja Bhag Singh wished to divide his territories between his three sons, one of whom Partab Singh, was the husband of the claimant Bhagbhari. His Honour considers this claim also untenable, as the principality descended undivided to the eldest son of Bhag Singh and again to his grand-son, the son of the eldest son."

2. Clerk to Metcalfe, December 1, 1836, B. N. 82, L. N. 181.
3. Matcalfe to Clerk, August 15, 1836, B. N. 36, L. N. 74.
- Bushby to Metcalfe, August 6, 1836, B. N. 36, p. 260.

The deputation repaired to Ambala and presented a long statement to Clerk, (See B. N. 82, LL. N. 165 and 170.) Metcalfe addressed a letter to Karam Singh of Patiala on August 6, 1836 and forwarded similar letters to Nabha and Kaithal Rajas (B. N. 36, p.260-61).

4. Metcalfe to Clerk, B. N. 36, L. N. 70.

Secretary at Agra to Metcalfe, July 30, 1836, B. N. 36, p. 248-49.



" I am directed by the Honourable the Lieutenant-Governor to inform you that the Supreme Government is desirous of ascertaining with perfect distinctness law or usage of succession applicable to Sikh Chiefships, as that of Jind, without reference to the payment of tributes to a superior power and to request that you will call on Mr. Clerk..... to furnish details of specific instance in which previously to our taking upon ourselves the Paramount Power, the succession to such Chiefships has been determined in favour of or against the claims of collateral relations.

2. You are desired to ascertain the usage now subsisting among Sikh Chiefs subject to the control of Raja Ranjit Singh.

3. At the same time you are to enquire what the custom is in regard to possessions acquired like those of Raja Bhag Singh after his succession to the principality of Jind—Would a descendant from a common ancestor have a right to succeed to such possessions, supposing his title to be valid so far, be restricted to the possessions of the ancestor in virtue of whom he claims.

4. The Lieutenant-Governor further desires that you will obtain the most correct information procurable respecting the nature of the several acquisitions made by Raja Bhag Singh. They were for the most part grants from Raja Ranjit Singh made before and after our treaty with that ruler in 1809....."

Clerk made inquiries also from the Chiefs of Patiala, Nabha, Kaithal, Buzidpur and Badrukian, and forwarded their replies, with his

own comments, to Metcalfe, on November 30, 1836.<sup>1</sup> Twenty cases<sup>2</sup> had been adduced "as replies to the requisitions of the Government for specific instances in which previous to the paramountcy of the British Government, the succession to such Chiefships as that of Jind had been determined and for information to the custom in regard to possessions acquired like those of Raja Bhag Singh after his succession to the Principality." Three cases were cited by the Chief to prove the observance of law of collateral succession to the Chiefships.<sup>3</sup> First, the fact of a succession to an estate was stated; then it was shown by the Chiefs that the heir, as it were, incidentally married the deceased's widow. But Clerk said that such was not the case; the heirs had not inherited by virtue of their right and then married the widows; in reality the marriage of the widow by the heir was, in every case, the means of appropriating estates, which would not otherwise have passed

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1. Clerk to Metcalfe, B. N. 82, L. N. 180.
  2. Clerk mentioned the cases numbering 9, 10, 11, 12, 16, 17, 18, 19 and 20, without saying in detail what the cases were, (numbers 9 and 10 related to private property and not to Chiefships, numbers 11, 12, 16, 17, 18 and 19 were examples of Karewa marriage among the Manjha Sikhs; number 20 related to a principality of Chandel Rajputs, who observed collateral succession; of other cases, he talks in detail).
  3. The three cases were; (a) Amar Singh of Patiala threw the sheet over the brother's widows, who died without male heirs, and in virtue of this union obtained whole of his villages and personal property; (b) Hamir Singh of Nabha threw the sheet over the widow of his heirless brother Kapur Singh and took all his property, and (c) Sardul Singh obtained Sudh Singh's estate by marrying his widows.

Clerk said; "Thus these three instances of collateral inheritance which are all that occur in the histories of the principle Phulkian families, prove clearly enough by the manner in which in each case the inheritance was obtained by the brother, that even they had no established law in their favour".

collaterally.<sup>1</sup> In proof of the statement he was making, Clerk said that these very cases had been cited by the Chiefs in support of 'Karewa' marriage, when Murray had called for the instances of such marriages occurring in their families.<sup>2</sup>

Clerk then took more important cases, set forth by the Chiefs, giving his own opinion in each case.<sup>3</sup>

Clerk then quoted the following extract from the papers of the Chiefs :—

"It would seem that Jind has been taken possession of by the British Government, in consequence of the descendants of Bhup Singh, having received a separate maintenance and having long lived apart from the elder branch of the family; but there is nothing unusual in the circumstances, but on the contrary it is in exact conformity with the uniform practice of the Houses of Phulkian and Bhaikian in which the eldest son always succeeded to the whole estate, with the exception of small portions set apart for the maintenance of the younger children."<sup>4</sup> Clerk then went on to say that the very same Chiefs had declared before Ochterlony in 1816 and in the case of Ajit Singh of Patiala that equal partition was the rule of succession in the Phulkian and Bhaikian Houses and in the lesser Phulkian families.<sup>5</sup>

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1. This point of view was not accepted by the Supreme Government.
  2. As already mentioned, Murray, while discussing the claim advanced by Prem Kanwar of Thanesar, the widow of Punjab Singh, to the estate left by her deceased husband had given ten examples of 'Karewa'.
  3. See Appendix V to Chapter III.....
  4. Clerk to Metcalfe, November 30, 1836, B. N. 82. L. N. 180.
  5. Here the first reference is to the dispute between Karam Singh and Basaawa Singh of Bazidpur and Badrukian respectively. The second point has been fully discussed in the previous pages of the monograph.

So clerk was of the view that the testimony of the Chiefs was not very reliable and that "their law of descent is not to be discovered from the statements prepared for such occasion as the present". It was very significant, added Clerk, that for ten months during which Mai Sahib Kunwar conducted the administration of Jind, after the death of Sangat Singh, the Phulkian Chiefs or their agent did not hint at there being any one with a superior claim to herself and the other widows. Now they had made "better and more permanent prospective" terms with Sarup Singh, and were therefore lending their support to his claims Clerk said that he was pointing out these inconsistencies "not in disparagement of the claim of Sarup Singh or that of his cousin Sukha Singh but only that the case of claimants may be judged on its own merits." He advised Government to weigh very carefully the claims of different candidates to the Jind Chiefship, as its decision would have in calculable consequences and fundamentally affect the relations between the Paramount power and the Protected Princes. Moreover, the rules of succession declared to have been laid down by Murray, did not contemplate a case as that of Jind.<sup>1</sup> Out of twenty cases set forth by the Chiefs, only one of Kakrala was the instance of collateral succession in the Bhaikian family of Kaithal. It had been alluded to by Sarup Singh in his representation, referred to by the Nabha Minister—Mnnshi Ishar Singh—in support of his minister's claim and also quoted by the agents of the Phulkian rulers in the papers submitted by them to the Government. But the decision in the Kakrala case was not founded on any precedent.

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1. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 130.



Clerk next took up the question of customs in regard to possession acquired like those of Raja Bhag Singh. If a case like Jind were to occur in the supremacy of any Hindu Government, then the Chiefship would either revert to the Raja or be restored under a new grant to a relative of the deceased on payment of a Nazrana or be conferred on some other Chief at the pleasure of the sovereign. Under the supremacy of Maharaja Ranjit Singh, it would be resumed, observing no distinction as to the nature of the different possessions. Sarup Singh was trying to claim all the Jind territory, irrespective of the fact how it was acquired. Clerk was strongly opposed to such a claim as it would bring the heirs of other branches of the Jind House also into the field.<sup>1</sup> Besides Gajpat Singh's possessions, Sarup Singh was claiming all the territories acquired by his descendants subsequent to the separation of Bazidpur branch in the person of Bhup Singh. Clerk felt that his claim should be restricted to the possession of the ancestor from whom he was trying to inherit—that is the territory ruled and acquired by Gajpat Singh only. As we shall see, this point of view was ultimately accepted by the Supreme Government, which only allowed Sarup Singh to succeed to the portion of the Jind territory acquired by Gajpat Singh.

The decision in the Jind case was announced in January 1837, and conveyed to Clerk by Metcalfe in a letter dated February 11, 1837,<sup>2</sup> in the following words:-

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1 Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.

Clerk said: "But supposing his claim to the Jind Chiefship be admitted, it would seem that if his right be not restricted to the possession of the ancestor, as a descendant from whom he prefers his claim the principle would admit also the right of the Nabha Raja, of the heirs of Bulaki Singh and of Mehar Singh to share in the acquisitions of Gajpat Singh's acquisitions..."

2. Metcalfe to Clerk, B. N. 37, L. N. 15.

As prophesied by Clerk, the decision proved to be a momentous one as it laid down the policy of Government towards the Phulkian States of Patiala, Nabha, Jind until after the mutiny when the right of adoption was granted. Kaithal ceased to exist as a state in 1843 in pursuance of this award of Government.

2. "It has been resolved by the Right Honourable the Governor-General of India in Council to recognise the right of Sardar Sarup Singh to succeed to the possessions of his great grand-father - Gajpat Singh, and accordingly to relinquish to Sarup Singh the tracts of country generally which belonged to his ancestor Gajpat Singh, through whom he derives his title with the exception to hereafter noticed.

3. The possessions which were granted by Maharaja Ranjit Singh subsequently to the treaty of 1809, are to be made over to the officers of His Highness.

4. Ludhiana and all the other possessions acquired by the descendants of Gajpat Singh, subsequently to the death of that Chief and before the year 1809, have lapsed to the British Government.

5. The net profits (if any) which have been realized by us from the possessions about to be transferred to Maharaja Ranjit Singh or Raja Sarup Singh, since the date of our occupancy are to be paid to His Highness and Sarup Singh respectively.

7. The estimated revenue should be exhibited in order that His Honour may have the data on which to ground an opinion as to what proportion of the subsistence allowance which shall be awarded to the widows should be contributed by Sarup Singh and what portion by the British Government. You are directed to consult Sarup Singh as to the amount of provision to be settled on the different claimants.

8. You will proceed to Jind and there instal Raja Sarup Singh on the part of the British Government and make over to him the territories of his ancestor Gajpat Singh.

9. Care must be taken not to transfer to Raja Sarup Singh those lands whether belonging to Gajpat Singh or not, which were conquered

by our arms from the Mahrattas in 1803, 1809-1810 and 1818 respectively, and afterwards surreptitiously occupied by the Chief of Jind.

10. The discussions that have taken place in consequence of the claim of Sarup Singh to Jind Principality have induced the Supreme Government to consider what rule ought to be observed for succession to property in the Sikh states—it is the opinion of the Government that as regards the four principal Chiefships of Patiala, Jind, Kaithal and Nabha, the principality should devolve entire to the nearest male heir and to the exclusion of females. With regard to all the other Sikh Chiefships or estates, the custom of the family must be ascertained in each case by the best evidence procurable<sup>1</sup>.....”

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1. The above despatch was based on a despatch from the Secretary to the Government of India, Political Department to the Lieutenant-Governor, Agra, dated January 16, 1837, (B. N. 37, p. 42, and B. N. 150, p. 57). It ran as follows :—

“ His Lordship in Council regrets to find that it is almost impracticable to lay down any general rules for succession to property in the Sikh States. The information now furnished so far from affording any new light on the subject tends only to confirm the remarks contained in Captain Murray's paper on the rules and customs of the Sikhs to the effect that “ the rules of succession to landed property in the Sikh states are arbitrary and are variously modified in accordance to the usages, the interests and prejudices of different families nor is it practicable to reduce the anomalous system to a fixed and leading principle.

4. I am desired to observe that the Governor-General in Council cannot concur in the opinion expressed by the agent at Delhi—that the claim of the widows in the case of the Jind succession would appear to be strengthened by the facts recorded in the precedents. It is true that in view of these cases when the brothers succeeded they married the widows of the last possessors but it by no means follows that the succession would not have taken place without such ceremony, still less that the widows would have succeeded to the prejudice of the male heir, had no such ceremony been performed.

The Raja of Patiala was not satisfied by the decision of the Government to restore only the lands acquired by Gajpat Singh to Sarup Singh ; he called it a " failure of justice ". Naturally the Governor-General, Lord Auckland, protested against the use of this term and said that the British Government had shown " indulgent consideration " to the claims of Surap Singh.<sup>1</sup>

On March 3, 1837, Clerk wrote to Metcalfe that Sarup Singh had fixed upon the 9th instant as an auspicious day and

*Continued from page 171*

5. When authorities are so conflicting and the practice so unsettled as they appear to be in the tract of the country referred to, His Lordship in Council is of opinion that some general principle should, where practicable, be established by the British Government and every consideration of justice and policy seems to require that as regards the four principal Chiefships of Patiala, Jind, Kaithal and Nabha, the rule ought to be that the estate should devolve entire to the nearest male heir according to Hindu Law and to the exclusion of females. With regard to all the other Sikh estates the custom of the family must be ascertained in each instance by the best evidence procurable.

6. Applying the above principle to the case of Jind, Sarup Singh would unquestionably appear to have the best claim, but he can have no more than was possessed by his great grand-father, Gajpat Singh, through whom he derives his title. "

Lord Auckland wrote to Raja Sarup Singh on June 19, 1837, assuring him that British Government had always been guided by " the principles of justice and equity ", adding : " .....on these principles alone, your claim..... to the vacant ' gaddi ' of the late Raja Sangat Singh was recognised as valid ". (B. N. 37, p. 221).

The letter of the Lieutenant-Governor, North-West Provinces, also conveyed the same sentiments. (B. N. 37, p. 221).

<sup>1</sup> Metcalfe to Clerk, August 17, 1837, B. N. 37, L. N. 73,

Lord Auckland wrote : " I am surprised at the allusion you have made to the Jind case and regret to find that you insinuate a failure of justice instead of acknowledging in common with all persons the indulgent consideration which has been shown to the claims of Sarup Singh to that Chiefship. "



that he would place him on the 'gaddi' at Jind on that day.<sup>1</sup> He also mentioned that the Sardar wanted to be invested with a 'Khillat' of succession by the British Government. Clerk informed the Agent at Delhi that in the 'Toshakhana' at Ambala were lying a 'Kalgi', a "sarpech" of Murray's time and a valuable sword presented to him (Clerk) by Maharaja Ranjit Singh; that these articles, with the addition of clothes, of about the value of Rs. 300 would constitute a good 'Khillat' which will prove acceptable to the Raja elect. Metcalfe agreed with the proposal but he wanted a Nazrana from the Sardar equal in value to the articles presented.<sup>2</sup> The Agent also began making arrangements to pay to Sarup Singh the surplus revenues of the estate, after paying over all establishment—Sadar and Mufassil. He also wanted to deduct the expenses of the 1st Local Horse employed in Jind, and the expense of troops used in suppressing the rebellion in Balwali.<sup>3</sup>

On March 9 1837, Clerk wrote that Raja Sarup Singh<sup>4</sup> ascended the 'gaddi' of Jind on the 8th instead of 9th, and that he was present to invest him. He then described the investiture ceremony.<sup>5</sup>

In a letter addressed to Metcalfe,<sup>6</sup> dated May 9, 1837, Clerk enclosed the two 'Kharitas' sent by Sarup Singh, one to the Governor-General, and the other to the Lieutenant-Governor. He also

1. Clerk to Metcalfe, March 3, 1837, B. N. 83, L. N. 6.

2. Metcalfe to Clerk, March 14, 1837, B.N. 37, L.N.24.

Metcalfe inquired about the "supposed" value of Sarpech, Kalgi and sword, etc. (B.N. 37, L.N.20, March 14, 1837)

3. Clerk to Metcalfe, March 3, 1837, B.N. 83, L.N. 6.

The expenses of the 1st Local Horse amounted to Rs. 10540/15/-, of Begam Samru's troops Rs.8091/3/10; the expense incurred in the suppression of Balawa revolt was Rs.2278/6/- (B.N.37, L.N.33, p. 93, and B.N.36, p. 107).

4. Sarup Singh proved to be a conscientious and successful ruler—Calcutta Review, October-December, 1844, p. 196,

5. Clerk to Metcalfe, B.N. 83, L.N. 7.

6. Clerk to Metcalfe, B. N. 83, L. N. 20.

submitted the lists of articles forming the 'Khillat' of the Raja. Sarup Singh desired to present 'Khillats' to Clerk and Metcalfe but, being told that it was contrary to the orders of Government, had to drop the idea. He gave 'Nazrana' to Government in the form of presents a fact which it disliked. Metcalfe thought<sup>1</sup> that the Nazrana should have been in the form of money, one hundred gold mohurs would have been enough; a Nazrana in the form of presents had too much the appearance of equality and did not mark the relative position of the parties, Metcalfe adding in conclusion that it was not the amount but the principle involved which had to be considered.<sup>2</sup> By the persuasion of Clerk, Sarup Singh presented a Nazar of gold mohurs for the Governor-General and a Nazar of 50 Mohurs for the Lieutenant-Governor.<sup>3</sup>

It was the earnest desire of Raja Sarup Singh, since the day of his accession, to recover the rest of the Jind territory. He wrote to the Agra Government to that effect though Clerk fully explained the grounds on which the British Government had thought proper to keep in possession certain of the territories ruled by Sangat Singh.<sup>4</sup>

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1. Metcalfe to Clerk, June 5, 1837, B. N. 37, L. N. 55.
  2. The Court of Directors expressed their approval of the Lieutenant-Governor's action in having "required to presentation of a Nazar on his instalment, instead of a more exchange of Khillat."

B. N. 38, p. 60, extract of Para 20 of the Despatch of the Court of Directors, October 24, No. 60 of 1838.

3. Clerk to Metcalfe, July 16, 1837, B. N. 83, L. N. 33.

Sangat Singh had on his accession offered a Nazar of 51 gold mohurs to the Governor-General (B. N. 70, L. N. 211).

4. Clerk to Metcalfe, May 21, 1837, B. N. 83, L. N. 23.

Metcalfe in a letter of June 15, replied, as follows<sup>1</sup>:-

"You are requested to apprise the Raja that having succeeded to the possession of his ancestor, Raja Gajpat Singh, he has obtained all that is considered to be his due and that Raja Sangat Singh having died without issue, the rest of his territory, which did not belong to any ancestor of the present Raja, is deemed to have lapsed in part to the British Government and in part to Maharaja Ranjit Singh."

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1. Metcalfe to Clerk, June 15, 1837, B. N. 37, L. N. 57.

Sarup Singh was in possession of half of Mudki, which had to be returned to Ranjit Singh, and wanted to recover the British half and delivered a written representation to Clerk who believed that the moiety of Mudki had been granted to the Jind Chief before 1809 and as such had lapsed to the Government (B. N. 83, L. N. 25, June 28, 1837), Clerk suggested to Metcalfe that some other villages might be taken from Sarup Singh in lieu of half of Mudki. Metcalfe in reply said that the Mudki question had been settled once for all by the orders of Government and that no further orders were necessary (B. N. 37, L. N. 62). If Raja Sarup Singh desired an exchange, his proposal could be taken into consideration if it came seriously from him: Metcalfe observed: "It is not desirable that any such arrangement should be proposed by us with any chance of its being objected to". (B. N. 37, L. N. 62, July 14, 1837).

About his occupation of the Sikh half of Mudki, Sarup Singh urged that there could be no necessity for displacing his authority until Maharaja Ranjit Singh desired to occupy it. Clerk was of the opinion that the arrangement was preferable to soliciting Maharaja Ranjit Singh to introduce his authority in Mudki (B. N. 83, L. N. 25, June 28, 1837).

On January 2, 1838, Metcalfe sent to Clerk copies of correspondence exchanged between Sarup Singh and the Lieutenant-Governor; Raja Sarup Singh laid claim "to the remainder of the Jind possessions" but the latter refused to entertain the Raja's claim.

Metcalfe to Clerk, January 2, 1838, B. N. 38, L. N. 1.

Sarup Singh to Lieutenant-Governor, November 25, 1837, B. N. 38, p. 2.

Lieutenant-Governor to Sarup Singh, December, 16, 1837, B. N. 38, p. 2.

Sarup Singh to Hamilton, November 25, 1837, B. N. 38, p. 2.

Hamilton to Sarup Singh, December 16, 1837, B. N. 38, p. 3.

The Court of Directors, to whom the Jind question had been reported, were disposed to take a more liberal view of the inheritance of Sarup Singh, as would be clear from the following extract:<sup>1</sup> "..... It does not appear whether the whole of the possessions of Jind family, since acquired from Gajpat Singh's time were obtained by grant either from Ranjit Singh or from the British Government or its predecessors. If any portion were acquired otherwise as for instance by conquest, we cannot perceive on what grounds it can lapse to Government. Such possessions, we should conceive, ought to pass to the next heir Sarup Singh, as private property, under similar circumstances, would do, and the fact that the territory may so pass is proved by numerous instances produced by the agents of the four Phulkian Chiefs.

You will, therefore, inform us whether any part of the territory, which has been assumed by the British Government, comes within this principle; if so, you will consider whether it ought not be justice to be made over to Sarup Singh."

Macnaghten, Secretary to the Government of India; accordingly enquired from Clerk how the whole of the possessions of the Jind family, since Gajpat Singh's time, were acquired,<sup>2</sup>

Clerk replied: "The whole of possessions of the Jind family, acquired since Gajpat Singh's time, were obtained by grant from Gajpat Singh or British Government<sup>3</sup>". Therefore, the despatch only expressed a pious wish and Sarup Singh could not get any territory beyond what

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1. B.N. 38, p.222. Extract from a letter from the Court of Directors, No. 28, dated November 8, 1837,

2. Macnaghten to Clerk, August 4, 1838, B.N.38, L.N.43.

3. Clerk to Macnaghten, August 19, 1838, B.N. 83, L.N. 80.



had been awarded to him by the Supreme Government. But this did not appear to satisfy him as even as late as in December 1844, he put forward a claim to Ludhiana, Morinda and Bassia.<sup>1</sup>

Another problem that Sarup Singh had to face was that of the mother and the widows of Raja Sangat Singh. They were indignant at the accession of the Chief of Bazidpur, whom they regarded as a usurper and an interloper. They made repeated complaints to the Government of cruelty, and ill-treatment shown to them by the new Raja.<sup>2</sup> Sarup Singh wanted to win them over and after a few

1. Broadfoot to Secretary, Agra Government, December 7, 1844, B. N. 164, L. N. 11.

Thornton, Secretary at Agra, wrote to Broadfoot on December 28, 1844, in regard to the claims preferred by Sarup Singh to Ludhiana, Morinda and Basia, as follows :—

“ You will inform the Raja of Jind that neither in writing nor verbally can any claim of his to the resumed portions of the Jind territory be entertained. The Honourable the Court of Directors have finally sanctioned the resumption of these Parganas and the British Government cannot suffer the stability of property to be shaken by the existence of doubts regarding the maintenance of rule over states which they have once formally annexed to their dominions ” (B. N. 85A, L. N. 99).

This refusal of Government greatly annoyed Sarup Singh whose behaviour in October and November, 1845 was punished by a heavy fine which was, however, remitted in view of the services he later on rendered.

2. B. N. 37, L. N. 82 (p. 265-66, August 23, 1837) and 114 (p. 406-14, November, 1837). ....From Mai Sahib Kunwar and Rani Sabha Kunwar, two petitions to Clerk, complaining against Sarup Singh.....They even petitioned Metcalfe at Delhi (p. 267-70, August 23, 1837) and the Lieutenant-Governor, North West Province (p. 271-88, August 23, 1837).

Also see : Metcalfe to Clerk, August 21, 1837, B. N. 37, L. N. 79.

Metcalfe to Clerk, September 7, 1837, B. N. 37, L. N. 86.

Clerk to Metcalfe, October 16, 1837, B. N. 83, L. N. 48.

Clerk to Metcalfe, August 3, 1837, B. N. 83, L. N. 35.

Maddock to Clerk, July 27, 1839, B. N. 39, L. N. 39.

Their complaints were that Sarup Singh had plundered property worth lakhs from Jind and had conveyed it to Bazidpur and that he had tried to violate the sanctity of their Zenana and so on. (B. N. 37, L. N. 114. Sarup Singh also complained against them (B. N. 38, L. N. 23, May 30, 1837)—for example Mai Sahib Kunwar refused to accept the allowance made to her by Sarup Singh (B. N. 38, p. 114).

weeks of his accession, had a long talk with Clerk, especially about their maintenance. The Raja of Patiala was anxious to know the intentions of Government towards them and urged Clerk, with whom he had a private talk to recommend to Government to abstain from all interference regarding the widows.<sup>1</sup> The Raja said that he would prevail upon them to marry Sarup Singh. This was being done by the Raja, added Clerk, in order to silence all opposition to Sarup Singh. Clerk had a long talk with Sardar Ranjit Singh, the father of Sabha Kanwar, about the matter. He replied that he would be guided by the wishes of his daughter and wanted Clerk to postpone for a month the question of her provision. Sarup Singh also expressed the same wish and Clerk, therefore, agreed to abide by their wishes. The junior widows would be determined in their choice by the decision of Sabha Kanwar, the senior widow. In regard to her provision, the Raja was willing to give her additional allowance of Rs. 3277/7/- a year; she was already in possession of lands worth about Rs. 4100 per annum; he was averse to any further increase.<sup>2</sup>

The reply of Metcalfe<sup>3</sup> was that there should be no interference "in regard to the provision to be made for the widows of the late Raja of Jind until the result of the endeavours to affect their marriage with the present Raja shall be known." The provision proposed to be granted for Sabha Kanwar was considered ample by him.

1. Clerk to Metcalfe, June 28, 1837, B. N. 83, L. N. 25.

2. *Ibid.* The Board of Directors had desired the provision to the widows to be liberal (B. N. 38, p. 222).

3. Metcalfe to Clerk, July 14, 1837, B. N. 37, L. N. 62.

On July 27, 1837,<sup>1</sup> Clerk informed Metcalfe that Sarup Singh had proposed to assign to the two widows of Sangat Singh—Sabha Kunwar and Rani Sukhan—a village each and some daily allowance. He had married the third widow and would have married the two above also, had they been willing to contract the alliance.<sup>2</sup> When Rani Sabha Kunwar again complained, Clerk wrote: “.....It appears that annoyances to which the Rani is subjected, arose from the interference of the Raja with the arrangements of the Zenana in which she resides and in particular the appointment of officers, whose employment is offensive to the Rani to superintend such arrangements<sup>3</sup>.....” Clerk was not prepared to interfere in these squabbles; in reality, as Clerk said, she had not taken kindly to the accession of Sarup Singh.<sup>4</sup> Metcalfe authorised Clerk to adopt such measures as he thought proper to prevent further complaints from the

1. Clerk to Metcalfe, July 27, 1837, B. N. 83, L. N. 34.
2. Rani Sabha Kunwar and Sukhan complained that Sarup Singh had taken away Rani Tibba Wali, the third Rani of Sangat Singh and added: “we would have served the same fate had it not been for the protection and bravery of our sepoys”.....(B. N. 37, L. N. 114, p. 409.
3. Clerk to Metcalfe, August 3, 1837, B. N. 83, L. N. 35.
4. Clerk said: “However, conciliatory the Raja's conduct might be, it is probable that her sense of her own superior rights may nevertheless incline her always to maintain at least that degree of estrangement which has so long subsisted between the former Chiefs of Jind and the family of Raja Sarup Singh”.

widows and mother of Sangat Singh.<sup>1</sup> Clerk again informed Metcalfe that the agents of the Mai and the Rani had presented a petition on behalf of their employers to be forwarded to Government ; he added that he had also told them that they must consider the question of Jind succession as decided and that they should advise both the ladies to reconcile themselves to Government of Raja Sarup Singh.<sup>2</sup> But Clerk added : " Of this, I have not much expectation." The Supreme Government refused to interfere in this dispute ; it after concurring with the sentiments expressed by Clerk, wanted the Political Agent to take a suitable opportunity of expressing to the Raja, the gratification which it would feel at learning that the Ranis had been deprived of all ground of complaint.<sup>3</sup> So no heed was paid to their complaints and the diminished state of Jind, despite their opposition, passed to a collateral of Sangat Singh——Sarup Singh of Bazidpur.<sup>4</sup>

1. Metcalfe to Clerk, September 7, 1837, B. N. 87, L. N. 86.

2. Clerk to Metcalfe, October 15, 1837, B. N. 83, L. N. 48.

3. Metcalfe to Clerk, March 8, 1838, B. N. 38, L. N. 12.

Macnaghten to Metcalfe, March 3, 1838, B. N. 38, p. 48, and extract of letter No. 232 of February 16, addressed to Macnaghten by Metcalfe (p. 49).

4. Sarup Singh stood by the British Government during the first and second Sikh Wars, when many of the Cis-Sutlej Chiefs were either lukewarm or openly hostile. He also served Government in the crisis of 1857 with unparalleled zeal and energy, so much so that according to Griffin, the British Government had never had an ally more true and loyal in heart than Sarup Singh.



#### 4. The Lapse of Kaithal

The Bhaikian principality of Kaithal was the most important state which lapsed to the British Government in 1843. Its annexation aroused great misgivings in the minds of the Cis-Sutlej Chiefs. In Kaithal itself, it led to an outbreak which had to be suppressed forcibly before the town could be occupied. To understand all that happened, we must know the geneological table of the Kaithal family.<sup>1</sup>

#### Bhai Gurbaksh Singh.

Died 1766

Gurdas Singh (died child- less).	Dhana Singh	Desu Singh died 1781.	Takht Singh died 1784.	Sukha Singh	Budha Singh died 1768.
Karam Singh died 1810. His widow	Lal Singh died 1818.	Behal Singh died 1783.	Gurdit Singh died 1800.	Bassawa Singh died 1822.	
Bhag- bhari died 1818.	Partab Singh died 1823.	Udai Singh died 1843.	Punjab Singh died 1836.	Gulab Singh.	Sangat Singh.
Daughter Rattan Kunwar.					

THE KAITHAL FAMILY.

THE ARNOWLI BROTHERS.

1. The Table has been taken from Lawrence's Report on Kaithal, prepared by him when he was in Nepal, bearing the date April 26, 1844, and the Table given by Richmond (B. N. 88A, p. 304) and compared to that given by Griffin in "Laws of Inheritance to Chiefships", on p. 97. According to Richmond, Budha Singh was the eldest, while there was some doubt with regard to the seniority of the other four brothers. He does not mention Gurdas Singh, included by Lawrence. This, of course, does not affect the point at issue.

Bhai Gurbaksh Singh was the founder of the Chiefship.<sup>1</sup> Kaithal was conquered by Desu Singh from some Afghans. After the death of Desu Singh, his second son, Bhai Lal Singh secured it, after killing his elder brother, Behal Singh. He much enlarged his territory by new acquisitions and was the greatest of the Cis-Sutlej Chiefs, after the ruler of Patiala, at the time of the Proclamation of 1809. Bhai Lal Singh was succeeded in 1818 by his elder son Partab Singh who reigned till 1823. He was followed by his younger brother, Bhai Udai Singh, who was the last of the line and died in 1843 leaving no heirs. His nearest collaterals were Gulab Singh and Sangat Singh of Arnowli, the great grand-son of Bhai Gurbaksh Singh.

1. Clerk gave the early history of the Bhais in these words: "The Bhais of Kaithal are descended from emigrants from Jaisalmer, some centuries ago, like the Phulkian family of Sikhs, settled as a pasture people in the jungle country. They are descended from the same stock as the Phulkians, that is the families of Patiala, Jind, Nabha and the Maharajkian Sikhs. They subsequently became Zamindars and Chaudhris, paying revenue to the Mohammadan Government, until one of them attending on the Sikh Guru in the Punjab, received from him the familiar affiliation of Bhai, which the family has continued ever since, as its distinguishing title and he was held in a certain degree of reverence.

Bhai Gurbaksh Singh, the common ancestor of Kaithal and Arnowli Houses and the founder of the Chiefship, was a principle leader among the Sikhs when they fought their great battle with the Mohammadans at Sarhind in 1763 .....

Bhai Desu Singh, the grand-father of Bhai Udai Singh possessed himself of Kaithal from the Mohammadans about fifty years ago and made it his chief place of residence," (B. N. 88A, L. N. 1). In his letter, dated February 15, 1844, Richmond also gave an account of the acquisition of Kaithal territory by Bhai Lal Singh. (B. N. 88A, p. 242-44). According to him, the territory was acquired "by force or by fraud" (B. N. 88A, L. N. 94). Richmond perhaps forgot that kingdoms generally owe their origin to force or fraud. In another letter written in October 1845, Richmond discussed the same point at great length (B. N. 88A, L. N. 97, p. 288—302). But the best account is from the pen of Major Lawrence who was put in charge of Kaithal by Clerk. In this connection, see B. N. 88A, L. N. 98, p. 320—333).

Also see Griffin's: "The Rajas of the Punjab ", p.48-49 (footnote).

The British Government had been expecting the death of Bhai Udai Singh, for some years owing to his bad health. In 1836, Clerk had reported that he had a paralytic stroke and that his death was daily expected.<sup>1</sup> A few months later, he wrote that it was believed that the Bhai of Kaithal was on his death bed. Government preferred to occupy the state which would lapse to it as the Bhai had no son. The Phulkian Chiefs, depending on the precedent of 1837 when Sarup Singh of Bazidpur had been declared as the Raja of Jind by Government, wanted Gulab Singh of Arnowli to succeed to the Kaithal 'gaddi'.<sup>2</sup>

But Udai Singh lived on. In November 1836, he sent his Diwan, Tulsi Ram and his confidential agent, Mehtab Singh, to meet Clerk and tell him that the Patiala Ruler had visited him at Kaithal and recommended a member of Arnowli branch to be made an heir, but that the Bhai had pointed out to the Patiala chief that he knew of no such right of Arnowli family; and that in order to convince the Raja that he was in earnest, he had dismissed from Kaithal all members of that family sent thither on the plea of inquiring about his health.

On Clerk questioning them about their views and those of the Bhai in the matter of succession, the Diwan and the agent stated that neither the Bhai nor they much considered the subject because they hoped for the Bhai's recovery. But Clerk suspected that most probably the claims of Suraj Kanwar, the wife of Bhai, would be favourably

1. Clerk to Metcalfe, March 23, 1836, B. N. 82, L. N. 44.

2. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.

entertained by the Kaithal authorities. This lady belonged to the family of Ballabgarh of which the Diwan was also a member.<sup>1</sup>

The Bhai managed to survive, until in March 1843, his condition became so grave that the Clerk who was at that time acting as an envoy to the court of Lahore, wrote to his assistant Greathed: "The Bhai of Kaithal being again suffering from one of those dangerous attacks of illness to which for four years past he has been subject.....you will be prepared, in the event of his demise, to march from your camp in the vicinity and take the Parganas of the Kaithal territory under the protection of the British Government."<sup>2</sup>

A Proclamation, to be issued in the event of the death of the Bhai, was also enclosed.<sup>3</sup>

1. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.
2. Clerk to Greathed March 13, 1843, B. N. 88A, L. N. 2.

The Pargana of Gujjarmal, conferred by the Lahore ruler on Bhai Lal Singh of Kaithal in 1812 was to revert to him, and the Parganas which were to devolve on the Bhai of Arnwli were also mentioned (B. N. 88A, L. N. 94).

The Pargana were those which formed the territory of Bhai Gurbaksh Singh, as the Bhais of Arnwli would only inherit through him, their common ancestor. Here also, the British authorities were the following the precedent of Jind; Sarup Singh had been only given the territory of Gajpat Singh, his ancestor.

Again, the British Government was following the policy it adopted in Jind in the matter of acquisitions granted to the Cis-Sutlej Chiefs by Ranjit Singh, which, if made after 1809, were returnable to the donor.

3. Clerk observed to Greathed: "You will introduce an administration and our occupation of Thanas as far as possible, by means of old officers.....of the Bhai's Government avoiding all sudden sweeping changes of persons or things. ....You will guarantee the adjustment of arrears due to troops or civil establishment.—With regard to the personal estate, including treasure which is supposed to be considerable, it should be proper that you should apprise the Kaithal ministry that its members will be jointly and severally held responsible by the British Government for a true account of it".



On the same day, Clerk wrote to Colonel Bolton, the Officer Commanding at Ambala, to furnish Greathed with an escort of Native Infantry for the protection of his camp and for sustaining his authority while annexing certain Parganas to the dominions of the East India Company.<sup>1</sup> Clerk had already directed one hundred Sawars from Ambala to join Greathed.

Writing to Thomason, Secretary<sup>2</sup> to the Government of India, on March 16, Clerk mentioned how he had written from Bilaspur to Greathed a month earlier to march to Kaithal in anticipation of the death of Bhai Udai Singh and though Greathed had been called away to Ferozepur, Clerk hoped that he would have again returned to the vicinity of Kaithal to be in a convenient position to execute whatever instructions were given to him. Clerk then added that he had been apprised of the death of the Bhai which had occurred in the early hours of the morning on March 15, 1843.

Talking of the state of Kaithal, Clerk said that some Parganas, yielding an annual revenue of one lakh of rupees, would be given to Bhai Gulab Singh, the Chief of Arnowli, as the descendant of Bhai Gurbaksh Singh;<sup>3</sup> the rest of the Parganas including

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1. Clerk to Bolton, March 13, 1843, B. N. 88A, L. N. 3.
  2. Clerk to Thomason, March 16, 1843, B. N. 158, L. N. 34.
  3. Vide Despatch of the Court of Directors No. 33 of 1843, dated October 25 1843 (B. N. 88A, L. N. 16). The relevant extracts were: "On the death without issue of Udai Singh, Bhai or Chief of Kaithal one of the Principal of the Protected States, his nearest male relation, Bhai Gulab Singh of Arnowli was acknowledged as his successor conformably to the rule which sometimes ago, was laid down for the four Phulkian principalities—Patiala, Jind, Kaithal and Nabha.

In accordance, however, with the decision passed in the state of Jind in 1897, the collateral heir of Kaithal has been deemed entitled to succeed

the Pargana of Kaithal would escheat to the British Government.<sup>1</sup> The revenue from the lapse would be about four lakh rupees per

*Continued from page 185*

only to as much of the estate as was derived from the common ancestor which in this case is the smaller portion yielding only about a lakh of rupees per annum. Whatever had been acquired subsequently to the separation of the two Branches (which occurred by the death of Bhai Gurbaksh Singh in 1766) has been considered an escheat to the British Government except the Pargana of Gujjarmal, conferred on the Chief of Kaithal by Ranjit Singh in 1812, which is held to revert to the Lahore Government."

According to Richmond, the territory given to the Arnowli Sardar was only worth Rs. 20,000 a year. The Bhai of Arnowli refused to have the Parganas ceded to him, contending "that if his right is good to any part, it is good to the whole territories held by Udai Singh." (B. N. 88A, L. N. 94).

Also see, Richmond to Currie. October 14, 1845, B. N. 88A, L. N. 97.

The ruler of Patiala wrote to Richmond on September 29, 1844 supporting the claims of Bhai Gulab Singh of Arnowli to all Kaithal territory, even to the Pargana of Gujjarmal, which had been returned to Lahore. (B. N. 88A, p. 306—10).

1. B. N. 88A, L. N. 5, dated March 16, 1843, B. N. 163, L. N. 7.

The following Parganas were to escheat to the British Government, Kaithal, Fatehpur, Padri, Pohava, Amin, Sothuru, Chika, Sunsar, Barna, Kakrala, Rularun, Mahala-Gobdan, Buda Lada and Fatta Juner. Later on, Mahala-Gobdan, consisting of 23 villages, was exchanged for 38 villages of Pargana Suffedon of Jind by Lawrence, (B. N. 88A, LL. N. 92 and 93, August 1 and July 29, 1843.)

The following Parganas were to be given to Bhai Gulab Singh Arnowli: Babri-Bhuchoki, Behran, Rhudal, Kara and Dhannasu. The Bhaia, Gulab Singh and Sangat Singh of Arnowli, were asked to take the possession of these Parganas (B. N. 88A, L. N. 6); Clerk also asked the Kaithal authorities to expedite the transfer of the Parganas—both to the British Government and the Bhaia of Arnowli. The Gujjarmal Parganas was returned to Maharaja Sher Singh of Lahore (B. N. 88A, L. N. 90). Clerk wrote specially to

*Continued on next page*

annum ; the territory was capable of great improvement. It had been greatly neglected in the reigns of Udai Singh and his father Lai Singh ; for four years, during which period Bhai Udai Singh was ill, the people had been in many parts in a lawless state. But, added Clerk, all this would disappear in course of time.

As the Phulkian rulers were getting very excited and nervous, Clerk thought it prudent to address a letter to the ruler of Patiala explaining the Government's attitude towards Kaithal,<sup>1</sup> and pointing out

*Continued from page 186*

Tulsi Ram, the Kaithal minister, asking him " to enjoin all the authorities and officers in the several Parganas that they without the least delay attend to whatever directions Mr. Greathed may please to give regarding the occupation by the British Government of the Parganas alluded to in the above order and affording every assistance....."

(Clerk to Tulsi Ram, March 16, 1843, B. N. 88A, L. N. 4),

1. Clerk to Patiala, March 17, 1843, B. N. 163, L. N. 9, and B. N. 88A, L. N. 1 March 17, 1843.

Talking of the lapse, Clerk remarked ;.....In the same manner as after the death of Raja Sangat Singh, the British Government after consideration, with a view to preserve the family, acknowledged the rights of the surviving descendants of Raja Gajpat Singh to possession belonging to or acquired by him, the acquisition of others as Bhag Singh down to Sangat Singh, being declared to have escheated to the British Government, so in this case the right of Gurbaksh Singh's descendants, that is, of Bhai Bhag Singh of Arnowli proved to whatever territory was possessed by Gurbaksh Singh, and the acquisitions of Bhai Udai Singh, now belong to the British Government. In short, whatever belongs to the ancestor of Bhai Gulab Singh up to Bhai Gurbaksh Singh, the common ancestor of both the branches, will be confirmed to Bhai Gulab Singh and rest I have directed Mr. Greathed to resume in the name of the British Government.

But Karam Singh of Patiala was not satisfied with this view of the claims of Bhai Gulab Singh Arnowli, who, according to him, was " the rightful heir to what Bhai Udai Singh and other Bhaïs possessed, both before and after, the states came under the protection of the English." That was also the view of the Raja of Jind but the Nabha Raja was in favour of the claims advanced by the mother and widows of Bhai Udai Singh (B. N. 163, LL. N. 118, 118A and 119).

how both Jind and Kaithal cases had been treated on similar lines. Jind continued to exist as a state because, Gajpat Singh, the ancestor of Sarup Singh, had conquered a sufficient portion of territory including Jind, while Gurbaksh Singh's descendant, Bhai Gulab Singh of Arnouli, could not get much as most of the principality, including Kaithal, had been conquered by the successors of Gurbaksh Singh. One survived as a state; the other disappeared from the map. The resentment of the Phulkian rulers was as unreasonable as it was foolish. It was merely an accident that a large part of the Kaithal state became an escheat. Perhaps that could not be avoided, as long as the relations of the Cis-Sutlej Chiefs with the Paramount power rested on the old basis. Unless a change was made in the relations between the two, such cases were bound to arise with unpleasant consequences for the Cis-Sutlej rulers.

The Supreme Government approved of the lapse of Kaithal, Clerk being instructed to correspond with the Government of North-West provinces on all subjects connected with its administration and revenue management.<sup>1</sup>

Meanwhile Greathed addressed three letters to Clerk in which he described the situation in Kaithal. In the first letter,<sup>2</sup> Greathed, who was in camp at Bassein, said how he had proceeded to Kaithal via Malerkotla and Sumana which he had reached on March 23. From Malerkotla, he had sent Clerk's proclamation to the Kaithal ministers, and his own instructions directing all Thanedars and subordinates in authority in escheated Parganas to acknowledge the rule of the British Government; likewise, he had warned the Bhai's officials, in charge of the treasure and personal effects of the ruler, that they would be held responsible for the full amount of the trust.<sup>3</sup> The Kaithal ministers met Greathed on the 23rd and conducted him to his tents. They were

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1. Thomason to Clerk, March 30, 1843, B. N. 122, L. N. 52.

2. Greathed to Clerk, March 24, 1843, B. N. 88A, L. N. 9.

3. *Ibid.*



accompanied by the agents or Muhtasimids of Patiala, Nabha and Jind rulers who had come to condole with the relatives of the deceased Bhai and to confer with the Kaithal ministers regarding the orders of the Government, Greathed read the order; one of the Ministers Munshi Ghasi Ram, gave the reply. He dilated upon the good services of the Bhai's family, the distress into which his widows and mother were thrown and the impropriety under such circumstances of determining a question which demanded inquiry and reflection. Greathed refused to be drawn into any argument about the rights of succession and referred them to Clerk's orders, and gave them a copy of Clerk's letter to Patiala, dated March 17, 1843,<sup>1</sup> and notified to the assembly that he had been deputed to carry those orders into effect and that he was not prepared to argue about their propriety.<sup>2</sup> Greathed then demanded to be put in the possession of the escheated Parganas and also the treasure and personal effects of the late Bhai; the delay would be prejudicial to the interests of the Mai and the widows. Greathed then went on to say<sup>3</sup> :—

"Upto the moment (5 P. M.), I have received no written or verbal answer. The answer I obtain to my queries is that a written reply is in the course of preparation.

I do not perceive any disposition on the part of the ministers to recommend the mother and widows to conform with your order....."

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1. Clerk to Patiala, B. N. 163, L. N. 9.

The letter was given in order to explain to the Kaithal Minister the grounds on which Kaithal was being treated as a lapse.

2. Greathed said about the attitude of the ministers that "they would return no answer beyond the general phrases that the British Government is supreme and they hoped for consideration."

Greaded to Clerk, March 24, 1843, B. N. 38A, L. N. 9.

Suspecting that the representatives of the Phulkian rulers, were inciting the Kaithal Ministers to hold on, Greathed asked them to withdraw from Kaithal or they would incur the impression of supporting "the contumacy now displayed."<sup>1</sup> At Clerk's requisition, Colonel Bolton sent two Rissalas of Cavalry to accompany Greathed who also wrote to Major-General Fane to send two companies of Native Infantry to Kaithal.

In the second letter,<sup>2</sup> Greathed informed Clerk that he had repeated his request to the Kaithal ministers to be put in charge of Kaithal, but their reply was that no answer could be given to the demand for the space of one month. That reply they<sup>3</sup> sent through Gulzara Singh Wakil; he handed it over to Greathed who observed to Clerk; "It has since been acknowledged by the whole body of ministers in my presence, as their united and, for the present, definite answer."

Greaded sent his third letter on March 27 to Clerk. He wrote that the Kaithal ministry had taken no steps to transfer the administration of the state to the British Government and that the agents of

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1. Greathed had sent the names of these agents to Clerk. He also wrote personally to Raja Karam Singh that his agents were inciting the Kaithal authorities to hold out. (B. N. 88A, L. N. 13, March 24, 1843).
  2. Greathed to Clerk, March 25, 1843, B. N. 88A, L. N. 10.
  3. Kaithal authorities to Greathed, March 24, 1843, B. N. 88A, L. N. 11.

They wrote: "Our calamity is not unknown to you, yet as your requisitions for a reply are urgent, we beg leave to inform you briefly that the funeral rites of so great a Raja, who died so young, continue for the period of a year; but at all events till the expiration of the period of condolence... you will excuse us from making any reply."

Patiala, Nabha and Jind were still in Kaithal inspite of his injunction to withdraw.<sup>1</sup>

According to Greathed,<sup>2</sup> the three Rajas wanted that the entire principality should go to Bhai Gulab Singh of Arnowli. Mai Sahib Kaur, the mother of Udai Singh and Suraj Kaur, his wife, wanted the Chiefship individually or jointly. There was another candidate --- Fateh-Jang Singh, the son of the late Bhai Meh Singh of Guniba, whom the late Bhai desired to adopt. Greathed also reported the news of a possible compromise by which Rani Suraj Kaur was to adopt the son of Bhai Gulab Singh of Arnowli and rule jointly with Mai Sahib Kunwar during their respective lives; after their deaths, the Chief ship would go to the son of Gulab Singh.<sup>3</sup> All parties, added Greathed, were united in opposing the British rule. Greathed also deputed two agents to offer condolence to the Mai and warn her against the non-compliance of Clerk's orders.<sup>4</sup>

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1. B. N. 88A, L. N. 12. Writing to Patiala, Clerk expressed his surprise that his agents and those of Jind and Nabha should have waited on Greathed for discussions regarding the Kaithal Chiefship; he said that final orders had been given and after the orders the interference of any one else in this particular was by no means necessary. Clerk added: "I do not perceive the advantage of your agents now visiting Kaithal .....Had the mission of the agents to Kaithal been to persuade the Mai Sahib Kaur and Suraj Kaur to obedience that would be no doubt beneficial to their interests and the Mai would eventually have been thankful for your good advice but any advice with a view to postpone the completion of these arrangements must prove very dis-advantageous to the Mai's interest. ...."

(B. N. 88A, L. N. 61, March 27, 1843).

2. Greathed to Clerk, March 27, 1843, B. N. 88, L. N. 12.
3. Greathed did not believe in these proposals, as they were not communicated to him by either party and therefore "must be looked upon as idle and pernicious intrigues to gain time."
4. Greathed also sent a letter of Clerk to the Mai dated March 24 (B. N. 88A, L. N. 59) in which Clerk had expressed a hope that she would not listen to the advice of interested people and that any opposition to the orders of Government would cause trouble to herself and Suraj Kunwar.

Clerk addressed a letter to Thomason, the Secretary to the Government of India, in which he wrote that the Kaithal ministers had not agreed to transfer the administration of the state to the British Government.<sup>1</sup> The minister, Tulsī Ram, wanted to secure the state for Suraj Kaur, the widow of the late Bhai, and a sister of the Raja of Ballabgarh. But, as Clerk pointed out, the widow's claim was disposed of by the opinion of Bhai Lal Singh, the father of Udai Singh, who in 1811 had declared in writing to Ochterlony that widows were not entitled to succeed to the Bhaikian Chiefship.<sup>2</sup> Clerk was of the view that the rulers of Patiala, Nabha and Jind would have recourse to any means, but that of violence, to prevent any lands escheating to the Supreme Government, and that they were acting in opposition to the rule laid down in the Jind case. Moreover, Patiala was taking the lead in the opposition because of certain bonds executed by his brother, Ajit Singh, who had borrowed money from the late Bhai of Kaithal on the strength of those bonds;<sup>3</sup> the Raja was afraid that the British Government might enforce their payment.

In regard to adoption of Fateh-Jang Singh by the late Bhai, Clerk was emphatically of the opinion that succession to Chiefship by adoption had never been practised by the Sikhs.<sup>4</sup> He quoted the cases of Ind Kunwar of Radaur and the Sardarni of Ambala. The former had wanted to adopt her grand-son (the son of her daughter

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1. Clerk to Thomason, March 30, 1843, B. N. 88A, L. N. 8.
  2. Murray in his letter to Celebrooke had given the example of five Bhaikian widows whose claims were ignored (B. N. 74, p. 157-58, January 10, 1823).
  3. Clerk said: "On the subject of those bonds, the Bhai had several times appealed to me, and I was endeavouring to affect an amicable adjustment of the claim."
  4. Clerk to Thomason, March 30, 1843, B. N. 88A, L. N. 8, and B. N. 158, L. N. 37. I have discussed the point earlier.



and the Ladwa Chief) as her successor to the estate of Radaur, but Government had refused to sanction the adoption and the estate lapsed; similarly, the latter had also tried to adopt an heir but the sanction was not given and her estate had escheated to Government after her death.<sup>1</sup> If the principle of adoption were accepted by Government, it would be deprived from succeeding to an estate, in the event of the failure of heirs.

Clerk was sure that the Kaithal ministers would comply with his orders. They wanted to see him or, if possible, and send a deputation to meet the Lieutenant-Governor at Agra so that they might beseech for the relinquishment by the British Government of its claims, but Clerk declared that all this would be of no use.<sup>2</sup> Meanwhile he requested Government to allow him to call upon Major-General Fast to send troops to Kaithal to enforce his orders.

Thomason conveyed to Clerk the orders of the Governor-General;<sup>3</sup> in accordance with Clerk's wishes, Major-General Fast was instructed to place such troops at his disposal "as the resistance of the ministers of the late Bhai of Kaithal may render necessary for the purpose of enabling the Government to enter upon the possession of the territory which has lapsed to it by his death". Clerk was further told "that the Government is desirous that in the event of troops being required

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1. Clerk to Thomason, March 30, 1843, B. N. 88A, L. N. 3, and B. N. 158, L. N. 37.  
Also See, B. N. 83, L. N. 45.

2. Clerk said that the Kaithal Ministers felt encouraged by the example of the Jind case, when such a deputation met with some success at Allahabad.

3. Thomason to Clerk, April 6, 1843, B. N. 133, L. N. 57.

so large a force should be sent as may preclude the chance of any collision taking place."

On March 30,<sup>1</sup> Clerk informed the Kaithal authorities that he had asked for troops to deal with them as they continued to make pretext for delay in obeying his orders. He also wrote<sup>2</sup> to Raja Karam Singh of Patiala that his orders had been disobeyed by the Kaithal ministers who were being incited by the agents of his state and that he was calling troops to enforce his orders.

Writing to Clerk on March 29, Greathed said that the Kaithal ministers, professing to act in obedience to the orders of Mai Sahib Kunwar, were still adamant in their refusal to acknowledge the escheat of the Kaithal state to the British Government.<sup>3</sup> He also suspected that the representatives of the Rajas of Patiala, Nabha and Jind were inciting the Kaithal authorities; Greathed thought that their object was to "preserve the Raj of Kaithal entire in the hands of a male, that the power and influence of the Phulkian family may not be curtailed."

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1. B. N. 38, L. N. 18, Orders issued to Kaithal authorities.

2. Clerk to Karam Singh, March 30, 1843, B. N. 38A, L. N. 17.

Clerk wrote: ".....they in consultation with your Agents present at Kaithal have disobeyed these orders and have as yet evinced nothing but a spirit of opposition or evasion.....It is much to be regretted that your agents without my permission should have gone for their own purpose to Kaithal and should have taken part in such disobedience. I now expect that you will refuse your permission to your agents to join in the Councils of this description".

3. Greathed to Clerk, B. N. 38A, L. N. 26.

Greathed also sent for Tulsi Ram and other ministers and warned them that by their conduct, the Mai and the Ranis would subject themselves to be shut out from the bounty and care of the British Government and left to be provided for by the Bhais of Arnowli.<sup>1</sup> The ministers as usual were accompanied by the deputies of the three Rajas, though Greathed told them that neither they were sent for nor was their presence desirable.

On March 31, Greathed wrote to Clerk that his warnings had produced no effect and that the Kaithal ministry had refused to yield to his demand.<sup>2</sup>

On April 3, 1843,<sup>3</sup> Greathed delivered to the Kaithal ministers Clerk's orders of March 30, addressed to them, and gave a copy to the agents of the three rulers also. The only effect produced was the departure of the agents of Patiala and Jind. Greathed also told the ministers that if they had the intentions of submitting they should come as a deputation at an appointed hour, conduct him with his escort to the fort and thus give its formal possession. Greathed concluded by saying that their silence led him to suppose that they would brave the displeasure of the Government. On 5th<sup>4</sup> and 7th<sup>5</sup> April, Greathed informed Clerk that the agents of Nabha had also left but the Kaithal ministry persevered in withholding obedience and that it had not communicated with him since he had delivered the last warning.

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Greathed to Clerk, March 29, 1843, B. N. 88A, L. N. 25.

2. Greathed to Clerk, B. N. 88A, L. N. 27.

3. Greathed to Clerk, B. N. 88A, L. N. 28.

4. Greathed to Clerk, B. N. 88A, L. N. 29.

5. Greathed to Clerk, B. N. 88A, L. N. 30

Clerk reported to Thomason on the 8th April<sup>1</sup> that the special agents of the three Rajas had taken their departure while only the ordinary ones were left at Kaithal. Further, Clerk was convinced that Mai Sahib Kanwar and her advisers would not give up Kaithal until they were forced to do so.

Clerk arrived at Ambala on the 5th April at night and was met there by two confidential officers--Gulab Singh and Mehtab Singh--sent by the Mai. The rest may be told in the words of Clerk :—

".....they came on the part of the Mai with a message from her, which they said they could only reveal to me in private; I took them aside and it was this; that she cared nothing for the Phulkian Chiefs and would prefer much to any plan of theirs regarding the succession, that the Chiefship should remain with her and her daughter-in-law during their lives and that in consideration of this she would write in a formal manner the British her successor and meanwhile pay any amount of "Nazrana" in money, either in one large sum or annually, that I might think proper.

I replied that there was nothing in this proposal that ought to induce me to delay a moment to adopt the coercive measures for which I had come towards Kaithal, yet, as they could by their then setting off, send to me by the same hour in the following night, the compliance of the Mai with my requisition for

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1. Clerk to Thomason, B. N. 22.

The ordinary agents had been ordered to confine themselves to the forms of condolence and to admonitions against the disobedience of Clerk's orders



the introduction of the British Thanas, I would delay there so long. They immediately set out.....<sup>1</sup>"

Clerk addressed a letter to Major-general Fast, Commanding, Sarhind Division, asking him to move some troops to join him, as he was coming to the conclusion that the Kaithal ministry would not yield till the arrival of the troops.<sup>2</sup> On April 8, he wrote another letter to the Major-general, saying " that troops may march upon Kaithal and take possession of it and its dependant—Thanas."<sup>3</sup> A troop of Horse artillery was arriving at Thanesar and Clerk asked his permission to take it to Kaithal. Two companies of the 73rd Regiment were also reaching Thanesar and he wanted to take them also to Kaithal. Clerk said that he himself would be reaching Thanesar on his way to Kaithal by the next day.

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1. Clerk to Thomason, April 8, 1843, B. N. 88 A, L. N. 22.

Clerk wrote another letter to Mai Sahib Kunwar and Rani Suraj Kunwar on April 9, and in which after recapitulating all the preceding events, he accused them of delaying to comply with his instructions in spite of his letter of March 21. He said that he had to requisition troops in order to enforce the orders of Government and added that when Sahib Kunwar's two agents had met him at Ambala on the 5th, that even there he had given them to understand that unless they complied with his orders, the troops would actually march; he had given them twenty-four hours notice but nothing had been done by them and the affairs remained in the same state. He concluded ".....your councillors are involving you in measure that must, if persisted in, infallibly render the British Government indisposed to afford you.... means of comfort.....your persisting longer in disobedience will convince me of the necessity of using military means to carry into effect my orders."

(B. N. 88A, L. N. 62, April 9, 1843).

2. Clerk to Fast, April 6 1843, B. N. 88A, L. N. 23.
3. Clerk to Fast, April 8 1843, B. N. 88A, L. N. 24.

A letter from Greathed dated April 10,<sup>1</sup> showed how much the situation had deteriorated. Lieutenant Liptrot, Commanding the detachment of the 3rd Irregular Cavalry, had examined the various outlets of the town of Kaithal. He had placed seven pickets of twenty men each at various points to intercept all communications between the city and the country. The pickets had been ordered not to allow any property or armed men to leave the town and to prevent people from entering it; an infantry picket had been posted to guard the road in the vicinity of the Camp.

On April 11, 1843,<sup>2</sup> Clerk reported to Thomason, the clash between Greathed's escort and Kaithal insurgents in the following words :—

"At 1 A.M. this morning, a horseman came here from Kaithal and reported that Mr. Greathed and the escort with him consisting of two companies of the 72nd Regiment N.I. and two Rissalas of the 3rd Irregular Cavalry, were occupying a ruined house outside the town of Kaithal and were, when he left them at 4 P.M., surrounded, fired upon and hard prest by a large body of insurgents in consequence of a collision between a party of Kaithal Sawars with the latter in their execution outside the town of the duty of watching and preventing reinforcement coming in from the country; that the party attacked was soon reinforced by another party sent down from the Camp; but that the Kaithal Sawars were joined by so large a body of insurgents from the town, that the Irregular Cavalry was unable to maintain its ground, that the detachment had lost several men and their camp had been plundered and fired."

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1. Greathed to Clerk, B. N. 88A, L. N. 33.

Greaded reported; "— the 8th and 9th passed over without any communication from the Kaithal ministry; they waited upon me on the evening of the 7th, but offered no proposition of assent to the escheat of the Kaithal state".

2. Clerk to Thomason, B. N. 88A, L. N. 32.

Having heard the narrative twice and at last believing it to be true, Clerk asked Colonel Palmer, the officer sent by Major-General Fast to command the troops, to advance the detachment to Bhore, a village belonging to the British and situated near Kaithal. Before the troops were preparing to march, a line arrived from Greathed confirming the account of the Sawar ; before the troops had advanced half a mile, Clerk met Greathed, falling back from Kaithal.<sup>1</sup> Clerk sent two express letters<sup>2</sup> on the same day ..... one to Major-General Fast and the other to Colonel Bolton, Commanding at Ambala.....describing the actual collision between British forces and the Kaithal insurgents. He appealed to both of them to send reinforcements as soon as possible towards Kaithal by the high road.<sup>3</sup> He was also anxious to preserve the safety of Ambala where was kept a large treasure and requested Major-General Fast to make arrangements<sup>4</sup> accordingly. Again, Clerk was not in favour of withdrawal of troops from the Sutlej as there was the possibility of armed Sikh bands crossing from the other side of the river. Clerk also

1. Clerk to Thomason, April 11, 1843, B. N. 88A, L. N. 32.

2. Clerk to Bolton, April 11, 1843, B.N.88A. L.N.35.

Clerk to Fast, April 11, 1843, B. N. 88A, L. N. 36.

3. It was apparent that Clerk feared an extensive rising and made his arrangements accordingly. That was why he was at such pains to expedite the march of troops towards Kaithal so that the rebels there might not have any opportunity of getting help either from the neighbouring states or from across the Sutlej. For example, writing to Major-General Fast on April 11, 1843, he authorised him to make an immediate call on Meerut or Delhi for troops and requested him to keep an eye on the neighbouring villages which were inhabited by people of evil habits, given to robbery and plunder. (B. N. 88A, L.N.36) .

4. Clerk to Fast, April 11, 1843, B. N. 88A, L. N. 36.

wrote to Maharaja Sher Singh of Lahore that he would rely on his issuing such urgent orders to Rai Gobind Jas at Ludhiana and Fakir Chiragh Din at Ferozepur from controlling the ghats on the Sutlej as would prevent the passage of any insurgents across the river.<sup>1</sup>

Clerk addressed Raja Karam Sing of Patiala on the 11th, told him of the outbreak of the insurrection of Kaithal, adding that the authorities there had dared oppose the orders of Government and therefore deserved a signal punishment.<sup>2</sup> He also wrote that the advice of his agents had only served to countenance the presumption of the Kaithal ministers, remarking in conclusion : ".....it remains to be seen what course of conduct your advice may be leading them. I, however, give you warning that at this critical juncture the Chiefs of these states have to take many precautions, for what ever may be their conduct, so shall they be dealt with. by the Government."<sup>3</sup> He also requested the Raja not to allow the Kaithal rebles to pass through his territory and to see that his own subjects did not join the insurrection.<sup>4</sup> When Clerk heard that Mohan Singh of Bhadaur had joined the insurgents at Kaithal with one hundred Horsemen, he wrote to the Raja again on the 12th asking him, as the Bhadauris were his vassals, to take suitable action.<sup>5</sup>

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1. Clerk to Sher Singh, April 11, 1843, B. N. 88A, L. N. 70.

Clerk wrote to Chiragh Din and Gobind Jas, personally also - B.N. 88A, LL.N. 65 and 69.

2. Clerk to Karam Singh of Patiala, April 11, 1843, B.N. 88A, L.N. 63.
3. The copies of the letter were forwarded to the rulers of Nabha and Jind also; the letter, without the warning clause, was sent to the Chiefs of Thanesar, Ladwa, Maler kotla and Arnawli, as these were the states in the neighbourhood.
4. *Ibid.* B.N. 88A, L.N. 64. Clerk wrote: "..... as your villages are contiguous to those of Kaithal, your authorities then will be held responsible if any of the Kaithal rebels are allowed to pass by those roads through your territory."
5. Clerk to Karam Singh, April 12, 1843, B.N. 88A, L.N. 66.



Raja Karam Singh of Patiala thought that things had taken a very serious turn, for which he himself was perhaps not prepared. Writing to Clerk on the 13th, he said that he had learnt with great regret and indignation of the occurrences at Kaithal and that he was making every arrangement to prevent his subjects from joining the affray and that he was taking all proper measures against the rebels.<sup>1</sup> Writing again the same day, the Raja informed Clerk that he himself was marching towards Kaithal with his troops in order to drive out the rebels from there and hand over the place to the British authorities. He also said that Rajas Sarup Singh of Jind and Davinder Singh<sup>2</sup> of Nabha were also marching at the head of their troops to co-operate with him in this task.<sup>3</sup>

In regard to the complaint of Clerk against his agents at Kaithal, Raja Karam Singh said that his deputies had gone to Kaithal on a brotherly visit of condolence. They had tried to persuade the Kaithal ministers to obey the orders of Greathed but their advice had not been heeded.<sup>4</sup> About the participation of the Bhadauris, the Raja said that he had, even before the receipt of Clerk's letter, sent a well-equipped force to apprehend them as well as to prevent the advance of others from Bhadaur or from any other direction towards Kaithal.<sup>5</sup>

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1. Karam Singh to Clerk, B. N. 88A, L. N. 76.

2. Davinder Singh had succeeded his father Jaswant Singh in 1840. (B. N. 83, L. N. 157.) B. N. 84, L. N. 285, B. N. 132, L. N. 3.

3. Karam Singh to Clerk, B. N. 88A, L. N. 77.

Clerk told the agent of Patiala that the rebellion would be put down by the British troops and that the Raja should stay near the frontier to intercept the rebels in their flight.

Karam Singh to clerk, April 15, 1843, B. N. 163, L. N. 43.

4. Karam Singh to Clerk, April 13, 1843, B. N. 88A, L. N. 77.

5. Karam Singh to Clerk, April 15, 1843, B. N. 88A, L. N. 79.

Clerk was very much gratified to hear that the Raja of Patiala was proceeding with his troops towards Kaithal and that he had also called the Rajas of Jind and Nabha to help the British Government. Clerk observed:<sup>1</sup> "These are indications of your zeal in the service of the British Government. I am already aware of your constant attention and exertions to aid the British interests. Such indeed are the obligations of the state in friendly alliance."

Let me once again turn to the affairs in Kaithal. Clerk wrote to Major-General Fast that if Kaithal were to be soon seized, the country would in all probability be quieted at once.<sup>2</sup> Writing to him again on the 16th, Clerk informed him that the front and town of Kaithal had been evacuated on the previous night by the rebels.<sup>3</sup> He suggested that a wing of a strong Regiment, two Rissalas of Cavalry, a brigade of Horse Artillery and Field Battery should be kept at Kaithal for a short time. This was fully approved by the Governor-General<sup>4</sup>. He also addressed a note to Major-General Lumley, Adjutant-General of the Army, for the information of the Commander-in-Chief, that he was occupying with Thanas all the country.<sup>5</sup>

Clerk addressed a letter to Thomason on the 14th informing him that Colonel Bolton was marching to Fatehabad, about eight

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1. Clerk to Karam Singh, April 14, 1843, B. N. 88A, L. N. 71.

2. Clerk to Fast, April 13, 1843, B. N. 88A, L. N. 37.

3. Clerk to Fast, B. N. 88A, L. N. 41.

Clerk said that the presence of the company of the Sappers could be utilized in making a road from Kaithal to Karnal in which he would employ people of Kaithal "as one of the speediest means of correcting the present habits of the robbers in the Jungle". This was highly appreciated by Government.

4. Thomason to Clerk, April 18, 1843, B. N. 88A, L. N. 44.

For withdrawal of troops from Kaithal, please see B. N. 57, LL. N. 93 and 118, and B. N. 58, LL. N. 49 and 51.

5. Clerk to Lumley, April 16, 1843, B. N. 88A, L. N. 42.

miles on this side of Kaithal the next day. The garrison in the fort of Kaithal consisted of about six hundred men including 150 Rohillas ; the Mai had appealed to the people to rise "enmasse" but the appeal had signally failed. With the exception of two villages, none of the zamindars had responded, although the Mai had promised two years' remission of rent and plunder.<sup>1</sup> On the contrary, Clerk received visits from headmen of a number of villages, near Thanesar, who had come with a message of loyalty for the British Government. On the 13th, the principal merchants of Kaithal came to Clerk to express their good-will to Government ; the Political Agent asked them to supply grain etc. to the British force at Fatehpur, to which they willingly agreed.

In the afternoon, Tulsi Ram, Munshi Bahadur Singh, Jhanda Singh and other officers of the Kaithal Government, came to see Clerk but he refused to see them. Then a messenger came from Tulsi Ram, but Clerk told him that he was not prepared to hold any communication till he brought the keys of the fort and the state property and the leaders of outrage of the 10th instant in irons.<sup>2</sup> Clerk was of the opinion that it was a mere ruse to gain time for their garrison.<sup>3</sup>

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1. Clerk to Thomason, April 14, 1843. B.N.88A, L.N.38.

2. Clerk said: "This the messenger informed me they could not do but they soon would. To this I replied that the Major-General, Commanding the Sirhind Division, would — lose no time in taking possession of Kaithal but that if at any time before his arriving there, they desired to obtain a hearing from me on any subject I had now stated to them distinctly the terms on which above such communication would take place....."

3 Clerk added : "I have adopted every precaution in my power to prevent the escape of those men composing the garrison in Kaithal or who were actors in the outrage of the 10th instant, through the territories of the protected Chiefs to the North of the Sutlej." (B.N. 88A, L. N. 38).

Clerk wrote to Thomason another letter on the 15th telling him that the force under Colonel Bolton had reached Fatehpur safely.<sup>1</sup> Abundant supplies had been made available for the troops by the merchants of Kaithal. The headmen of the villages, through which they passed, came forward to offer their allegiance to the British Government. On the 16th,<sup>2</sup> Clerk reported the evacuation of the fort and town of Kaithal adding that he had sent some of his native officers to take possession. Thomason, replying on the 18th, expressed the satisfaction of the Governor-General in Council at the news and his entire approval of Clerk's conduct in the measures adopted which led to "this desirable event."<sup>3</sup>

A regrettable step was taken by Clerk in the Kaithal affairs and that was the razing of a village-Mundri- as two sepoys were killed by certain inhabitants of that village. Writing to Major-General Fast, Clerk suggested the razing of the village,<sup>4</sup> and the arrest of zamindars, if he (Clerk) could procure sufficient evidence against them, which might lead to their being identified and convicted of the crime. The razing of the village was not approved by the Governor-General who regretted to find that punishment had not been confined to the persons in whose houses the bloody spear and articles belonging to the sepoys were found.<sup>5</sup>

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1. Clerk to Thomason, B. N. 88A, L. N. 39.
  2. Clerk to Thomason, B. N. 88A, L. N. 40.
  3. Thomason to Clerk, April 18, 1843, B. N. 88A, L. N. 46.
  4. Clerk to Fast, April 16, 1843, B. N. 88A, L. N. 45.
  5. Thomason to Clerk, April 20, 1843, B. N. 88A, L. N. 49.

The Governor-General observed : " The razing of a village to the ground must necessarily bring temporary suffering upon many innocent persons and while it irritates all, it may be doubted, whether in a country wherein houses are readily built, the measure is well calculated to deter from crime ; executed too as it must be by troops, it may have a tendency to promote mutual enmity between them and the people and to lead to acts of future violence."



This view of the Governor-General was accepted by the Court of Directors which also condemned this measure.<sup>1</sup> Clerk expressed his regret at the incident but in his defence remarked that he had tried to procure evidence to convict the murderers of the British sepoy but in vain.<sup>2</sup> The villagers were not willing to give any help. Moreover, very few inhabitants remained at that time in the village; even they were allowed to depart untouched. Mundri, added Clerk, was a village infested by robbers and having a lofty tower of burnt bricks in the centre; there were thirty such towers in Kaithal and it was his intention to have razed them to the ground in order to give to the people in general an immediate feeling of security. Clerk had also tried to find evidence to convict some of the headmen so as to sentence them to terms of hard labour on the road or to bind down the rest in penal servitude to devote their time to agriculture hereafter. To this the Governor-General had no objection and Thomason wrote to Clerk accordingly.<sup>3</sup>

1. Despatch of the Court of Directors, October 25, 1843, B. N. 83A, L. N. 43.
2. Clerk to Thomason, April 29, 1843, B. N. 83A, L. N. 84.
3. Thomason to Clerk, May 4, 1843, B. N. 83A, L. N. 85.

Thomason wrote as follows :—

“ The Governor-General would not disapprove of the destruction of the lofty towers mentioned by you as existing in as many as 30 villages of the Kaithal state nor would there be any objection to the trial of any of the Headmen of these villages of plunderers to their being sentenced, if convicted, to hard labour on the roads.

The Governor-General would hope that these measures of unquestionable expediency and justice would have the effect of deterring from the commission of crime without involving the risk of inflicting injury on any innocent persons.”

In the next letter dated April 17,<sup>1</sup> Clerk reported to Government the capture by the troops of Patiala of the ring-leader of the revolt. Tek Singh. The story of the capture may be told in the words<sup>2</sup> of the Raja of Patiala ; "This day at 12, O'Clerk, Vishnu Purohit or family priest of the Mai deputed by herself came over to me and stated that Tek Singh, the leader of the insurgents, having taken the Mai under his charge and plundered whatever he could lay hands upon from the treasury in cash and property of the Kaithal Government, had fled from that town with his armed followers with the intention of proceeding to the north of the Sutlej, that the Mai having thus arrived at the village Nawas, told the zamindars of his having been disloyal to her and requested their assistance in releasing her from his hand, that the zamindars had therefore assembled and taken the Mai from him and despatched her to Pehowa where she had put up. He further stated that she sent word to him (the Maharaja) that the hostilities against the British had never taken place with her consent, that her remonstrances against such measures had not been attended to, that all her attempts to come to you had been frustrated, that she had not been able to fulfil your orders because those people had not allowed her to do so<sup>3</sup>.....that

1. Clerk to Thomason, B.N. 88A, L.N.50.
2. Karam Singh to Clerk, April 16, 1843, B. N. 88A, L. N. 52.
3. Mai Sahib Kunwar in a letter to Clerk (B. N. 88A, L. N. 57) said : " I twice or thrice set out to reach you that I might describe my innocence and my readiness to deliver to you the keys of the fort...but the insurgents surrounded me and brought me back forcibly from outside the town and put me again in the fort. The old ministers were also helpless before these insurgents....."

Clerk believed her account to be true for he said ; " Her account of her intention while latterly in the fort and its frustration by her Sikhs, I believe, are in the main true". (B. N. 88A, L. N. 50, April 17, 1843).

The Court of Directors also remarked : ".....The resistance at first passive became ultimately active though there appears good reason to believe that the violence which took place was the act rather of the armed retainers than of the widows and ministers themselves." (B. N. 88A, L. N. 16).

Tek Singh, the Chief of the insurgents, was now proceeding with cash and other property to the other side of the Sutlej in progress to Chika. Hearing the above statement I immediately detached 100 sawars to Pehowa to protect the Mai and to prevent her being carried by the insurgents in any direction. This also I did with a view to induce the Mai to act implicitly according to your orders.....I have despatched my troops under Bakshi Ghamand Singh to intercept Tek Singh and other turbulent characters.....”

The actual capture is described by Raja Karam Singh in another letter<sup>1</sup> to Clerk :—

“.....at mid-day it was reported that Tek Singh, the leader of the insurgents...was proceeding with 400 Sawars and a few guns, taking the Ranis with him to the other side of the Sutlej.....and that he was returning upon Chika. I then lost no time in detaching 1000 Sawars and a Battalion of Infantry, under the command of Bakshi Ghamand Singh.....The Bakshi came upon with Tek Singh at Dh ram Biari in the Patiala territory and surrounded him, but he had got two guns with him, these having opened a fire upon my troops as well as from his match-locks ; my troops were all round him. He will, therefore, soon be seized with all his followers and property. His escape is completely cut off.....”

Writing to Sarfraz Ali, his Agent on attendance on Clerk, the Raja said : “.....today, Sunday, at noon, Tek Singh was seized and

sent on to Ambala with two guns and elephants and carts laden with property."<sup>1</sup>

With Tek Singh, several other rebels were also apprehended. The number of rebels captured was sixty-eight,<sup>2</sup> including Tek Singh and Bhag Singh. With the former were captured 4 elephants, 2 brass guns, one and a half lakh of rupees, and a great deal of other property. For all his exertions, the Raja was warmly thanked by the Governor-General.<sup>3</sup>

1. Karam Singh to Mir Sarfraz Ali, B. N. 88A, L. N. 53.

Without the active help of Raja Karam Singh, it would have been difficult to capture Tek Singh. When Clerk arrived at Kaithal on the 16th he learnt that nothing was known about Tek Singh. Then he heard of his apprehension on the 17th, while passing through Chika and when he had reached Dharam Biari (about 4 miles beyond Chika), his being surrounded by the Maharaja's troops and being captured after a short resistance in which two or three men were killed on either side.

Bakshi Ghamand Singh, the leader of the Patiala troops, was presented a sword of the value of Rs. 1000, while presents worth about Rs. 2000 were given to the officials of Patiala and Jind, who had helped in capturing the rebels — B. N. 87, L. N. 149.

2. Clerk to Thomason, April 25, 1843, B. N. 88A, L. N. 58.

The correct number of the rebels was sixty-one.

3. Thomason to Clerk, April 21, 1843, B. N. 88A, L. N. 54.

About the insurrection, Clerk said that classes of people including Chiefs had looked with repugnance on the violence which had been done to the British party at Kaithal and that he had not been able to discover a single act among them denoting any sympathy (B. N. 88A, L. N. 55): Clerk talked in high terms of the assistance rendered by the Chiefs, especially the Nawab of Kunjpura, who sent 50 Horsemen (B. N. 88A, L. N. 58). This fact was highly appreciated by the Governor-General, who regarded their conduct with much satisfaction (B. N. 88A, L. N. 82), and also by the Court of Directors (B. N. 88A, L. N. 16).



In regard to the punishment which should be inflicted on Mai Sahib Kunwar and Rani Suraj Kunwar, Clerk suggested that they should no longer be deemed deserving objects of the consideration of the British Government in any form.<sup>1</sup> He said that he had thought of recommending Rs. 60,000 a year for their maintenance ; the Governor-General reduced their allowance to Rs. 50,000 ; that punishment was thought sufficient by the Court of Directors.<sup>2</sup> Of course, Tek Singh

1. Clerk to Thomason, April 17, 1843. B. N. 88A, L. N. 50.

2. The Mai and the widow of Udai Singh had taken shelter at Pehowa, a holy place with a few personal servants. Clerk sent them a message of assurance that they could live there without any fear of molestation. (B. N. 88A, L. N. 30).

Maharaja Sher Singh wrote to Clerk expressing a hope that they would be considerably treated by the British Government.

(B. N. 163, L. N. 46, May 22, 1843).

It was suspected by Clerk that the mother and two widows of Udai Singh had carried with them 20,000 pieces of gold, valued at three to three and a half lakh of rupees. He refused to allow them any maintenance until the treasure should be surrendered. The principal widow died and Clerk suggested, when he was the Lieutenant-Governor, North-West Provinces, that the mother be granted a pension of Rs. 20,000, if she accounted for the treasure ; if she did not accept the offer within six months, she was to get nothing. All this, of course, was approved by Government. The mother denied having carried away the gold and added that she was destitute. Richmond wrote that she and her remaining daughter-in-law were living in the houses of Brahmins in Pehowa and had no ostensible means of livelihood except the remains of former wealth. Later on, Clerk was willing to give them Pehowa and some land worth Rs. 20,000 a year, together with the residence in Hardwar, belonging to Kaithal, provided they returned the treasure. However, as Richmond emphasised, it had not been returned but their claim to the pension should be considered.

(B. N. 160, L. N. 67, October 15, 1844).

Their subsequent fate is unknown.

and other Chief rebels deserved a severe sentence, here also the Directors remarked: "Tek Singh and his principal adherents have merited a severe penalty which, however, should not be extended beyond those who can be considered as leaders"<sup>1</sup>

On April 17, Clerk informed Thomason that he was stationing Thanas throughout the Kaithal territory and that the troops would leave Kaithal on the 20th; but a few detachments were to be kept to avoid any repetition of such trouble.<sup>2</sup> The Governor-General expressed great satisfaction at the news.<sup>3</sup>

Thus passed away the crisis at Kaithal which now became a part of the company's dominions in India. The greatest credit was due to Clerk for promptitude, firmness and tact which he had displayed throughout this crisis. But for him and his wise measures, the situation might have taken an ugly turn. It was in the fitness of the things

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1. Despatch of the Court of Directors, No. 33 of October 25, 1843, B. N. 88A L. N. 16.

For the trial of the Kaithal accused—Tek Singh and 60 others—please see B. N. 158, L. N. 63, (the letter of Richmond, Clerk's successor, to Agra Government). Tek Singh was sentenced to transportation for life. Richmond has dealt very exhaustively with the offences of all the accused. Out of 61, only 12, including Tek Singh, were sentenced to long terms of imprisonment; 19 from 7 years, to 1 year, while the remaining thirty were asked to furnish securities for good behaviour for one year. According to Richmond, the attack on the British detachment was not premeditated but only "an affair of chance". Tek Singh was described as "the person of most influence" in Kaithal and the chief person who had instigated Udai Singh's mother to resist the orders of British Government, and mainly responsible for not allowing her to proceed to Clerk's camp.

Many of such 'rebels' had fled across the Sutlej to return to their homes in Kaithal in 1845.

See B. N. 45, L. N. 10 and 43, and B. N. 90, L. N. 133.

that Thomason should have conveyed to him the approbation of the Governor-General for the zeal, energy and ability displayed by him.]

1. Thomason to Clerk, April 30, 1843, B. N. 88A, L. N. 82.

That was not the end of Kaithal question, as the Court of Directors were anxious to know how the lapsed portion of Kaithal came into the possession of the ancestors of Bhai Udai Singh, the last ruler of the state. The reply was submitted by Richmond in a lengthy despatch of February 15, 1844 (B. N. 88A, L. N. 94, p. 129—64). It seemed that the Court of Directors wanted the collateral heir to succeed to all the territories possessed by a deceased Chief without issue excepting those portions as were conferred by the grant of any overlord on the deceased Chief or his ancestor, subsequent to the separation of the two branches. As Richmond observed: "If this principle had been adhered to, it is my belief that Bhai Gulab Singh would now have been in possession of all the territories held by Bhai Udai Singh, excepting Gujjarmal which lapsed to Lahore on the death of the latter." After tracing the early history of Kaithal under Bhai Bal Singh, Richmond expressed his cordial approval with the suggestion of the Court of Directors.

In reply, the Secretary at Agra regretted the tone of Richmond's letter and observed: "It is to be regretted that doubts have been cast on a measure which was deliberately adopted by the Government of the day and regarding which there seems to be no sufficient ground for anticipating any change of views; it is very much to be hoped that the doubts which you seem yourself to have entertained, were not allowed to find currency amongst the people so as to shake their confidence in the intentions of the British Government." (B. N. 88A, L. N. 95).

He wrote to the Supreme Government thus:— "The Lieutenant-Governor desires me to observe that the doubt thus thrown upon the intentions of the British Government regarding the Kaithal territory cannot fail to be most prejudicial to its prosperity. It is only on a full understanding of the final determination of the Supreme Government to retain the state that the expensive measures now in progress for the future improvement of the province can be warranted. The Lieutenant-Governor, therefore, hopes that the resolution of the Government on this important point may be early communicated to him and that a speedy termination may be put to the doubts which the agent now entertains." (B. N. 88A, p. 383—84, March 30 1844).

The Secretary at Calcutta replied: ".....the expression of his own individual opinion by the Governor-General's Agent, writing without authority, should not induce the Lieutenant-Governor to entertain any doubt, as to the

*(Continued on next page)*

Major H. Lawrence was put in charge of the newly lapsed territory of Kaithal.<sup>1</sup> Clerk was very anxious to improve the territory and therefore gave very useful advice to Lawrence. For example, Lawrence was asked to impose light revenue so as to leave the industrious zamindars some capital to be employed for the improvement of the land under the supervision of the Tehsildars ; water-courses were to be restored from the Saraswati, Ghaghar and Narkanda ; wells were to be sunk ; land was to be reclaimed ; in the villages of bad character, the people were to be bond down by bonds to extend their cultivation and to harbour no thieves.<sup>2</sup> The Jagirdars were to be maintained in their Jagirs at present ; later on, an inquiry might be instituted to ascertain the nature of grants ; in the event of an outbreak police was to be used in the first instance ; later on military might be used, under the orders of the Officer Commanding at Sirhind. Finally, Clerk warned Lawrence against doing any thing to outrage the feelings of the Hindus in a sacred place like Pehowa " as it

*(Continued from page 211)*

adherence of the Governor-General in Council, to the measures already adopted and acted upon, with respect to Kaithal, that measure stands unaltered, until over-ruled by higher authority....." (B. N. 88A, p. 285, April 30, 1844).

Lawrence in his Report on Kaithal defended the action of Government in occupying the state. (B. N. 88A, p. 341).

It was in December 1844 that the Bhai of Arnowli was finally told that the Court of Directors had rejected his claim to the lapsed territory of Kaithal.

B. N. 88A, L. N. 99, December 28, 1844.

1. Thomason to Lawrence, April 20, 1843, B. N. 88A, L. N. 80,  
Richmond to Hamilton, June 24, 1843, B. N. 87, L. N. 207.
2. Thomason to Lawrence, April 20, 1843, B. N. 88A, L. N. 80.  
Clerk to Thomason, May 18, 1843, B. N. 87, L. N. 169.  
Thomason to Clerk, May 25, 1843, B. N. 133, L. N. 84.



would lead them to draw a comparison painful to their prejudices between their present and past government.”<sup>1</sup>

Lawrence wrote a letter to Clerk in which he made certain suggestions in regard to his work in Kaithal.<sup>2</sup> Lawrence recommended that the three roads leading from Kaithal to Ambala, Thanesar and Karnal.....as originally recommended by Clerk.....should be built without delay, the cost would be about Rs. 300 a mile; the canal cut from the Saraswati could be opened by spending about Rs. 2000. Lawrence also wanted Clerk to write to Government to sanction about Rs. 50,000, which sum he would utilize in improving drainage, building wells and constructing new canals.<sup>3</sup> The result of this much needed measure would be that Kaithal would no longer be a resting place for rogues and vagabonds of other districts. Lawrence said that robbers

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1. The condition of the Kaithal people was very bad; they were lawless and given to robbery and plunder. Writing to Thomason on April 18, Clerk said that efforts would have to be made “to reclaim the people from the habits of violence, that have prevailed in so many villages of this territory”; (B. N. 88A, L. N. 53). Writing to Hamilton, the Secretary Agra Government, Clerk reported the deplorable state of neglect to which the late Government of Kaithal had for same years abandoned the inhabitants. Clerk went on to say: “There are villages but there is little or no cultivation. The villagers live for the most part on plunder. The state of Kaithal generally has for years past, been known to me such, that averse as I should be at all times to recommend the British Government taking a hand to administer native states for a time only, until their restoration in an improved state to native administration. I should have suggested such a measure here to check a great evil, had not the demise of the Chief, without heir, to the greater part of his possession, been daily expected for the se last six years”. (B.N. 88A, L.N. 83) Within a few years, everything changed
  2. Lawrence to Clerk, May 9, 1843, B. N. 88A, L. N. 87.
  3. Lawrence observed: “It may at first sight seem that I am advocating an unnecessary expense but it is not really so and I am satisfied that in no part of India, could a present remission of revenue be likely to bring a more certain return than at Kaithal, if such remission is carefully applied to purchasing seed and agricultural implements, to opening out the old wells.....digging new ones, raising bunds to retain and collect water and digging small canals from the several rivers, making roads and restoring decayed bazars.”

would leave the territory and their place would be taken up by more industrious persons. He was sure that, by this wise expenditure the revenue would be doubled within five years.<sup>1</sup>

Clerk wrote to Hamilton on May 12<sup>2</sup>, and said that the suggestions of Lawrence should be accepted at once. He, in reply, conveyed the approval<sup>3</sup> of the Governor-General, who was then in the North-West Provinces, to those suggestions; the two-thousand rupees required for the re-opening of the canal from the Saraswati to Kaithal, were sanctioned, advance was to be given to the zamindars or village communities for buying seed and implements, and making other improvements in the agricultural lands. The result was that within a few years Kaithal became as flourishing as any other well-managed British territory.

1. Lawrence to Clerk, May 9, 1843, B. N. 88A, L. N. 87.
2. Clerk to Hamilton, May 12, 1843, B. N. 88A, L. N. 86.

Clerk added that he was sending all the prisoners that he could from Ambala to work in Kaithal.

3. Hamilton to Clerk, May 19, 1843, B. N. 88A, L. N. 88.

He added: "—His Lordship is of opinion that the three lines of great roads now in progress..... should be so constructed as to admit of their being metalled".

The correspondence relating to Kaithal is to be found in other books also. for example see —

B.N.158, LL.N. 34, 37, 39, 43, 45, 46, 47, 48, 52.

B.N. 133, LL.N. 52, 57, 63-66, 73, 75.

B.N.163, (Vernacular correspondence), LL.N.20 to 43,

118, 118A; and 119.

B.N.87, LL.N.145 and 149.

For improvements in Kaithal, see B.N. 158, L.N.150, B. N.87, L.N.381, and B.N.159, L.N.21.

For revenue survey, see B.N.160, LL.N. 5, 6, 18 and 29. B. N.87, L.N. 403, B.N.88, L.N.19, and B.N.136, L.N.57.

## 5. BAGHAT AAD JUBBAL

In November 1842,<sup>1</sup> Clerk dealt with the cases of the Rajput principalities of Baghat and Jubbal, situated in the Simla Hills. In the former, the younger brother of the deceased ruler was allowed to succeed and the lapsed state restored ; Clerk also took the opportunity of comparing the Rajput Laws of succession with those of the Sikhs. The case of the latter is unique as its ruler, Puran Chand before his death, was said to have signed a deed of abdication. Clerk refused to accept the deed and succeeded in persuading Government to promise the estate to the son when he came of age.

(i) **Baghat.** Raja Mohinder Singh of Baghat died and his estate was declared an escheat as he left no male child. In November 1842. Vijai Singh, the younger brother of Mohinder Singh and the widows of the deceased ruler petitioned the Government and Maddock asked Clerk to report upon the petitions. Clerk's reply was as follows <sup>2</sup>:—

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1. Clerk received charge of the protected Hill States on October 31, 1842 from the Agent to the Lieutenant-Governor Delhi. (B.N.56, L.N.162).
  2. Clerk to Maddock, November 10, 1842, B. N. 154, L. N. 74.

As early as July 1839, Torrens had asked Clerk to state his opinion, "as to the rule proper to be adopted in the claims of the collateral heirs to Jagirs or estates in the Hill Princes held under Sanad from the British Government "; the latter had also been requested to go fully into the general question and asked to explain how for the Jind case could constitute " the base of a direct rule of guidance ". — B. N. 39, L. N. 40, July 31, 1839.

On November 11, 1841, Hamilton, the Secretary to Government, North-West Provinces, also addressed Clerk on the propriety or otherwise of laying down any general rule of collateral succession in cases like Baghat (B. N. 128, L. N. 200). He also sent a despatch of Metcalfe (B. N. 128, p. 399-402.

*(Continued on next page)*

“ Mohinder Singh of Baghat died on January 11, 1839. His state was considered as escheat to the British Government. He left a brother and he left wives. These claim the restoration of Mohinder Singh's small chiefship yielding about Rs. 1500 a year, net revenue. There appear to no rival pretensions between these parties, the widows advocating the cause of their husband's brother.

*(Continued from page 115)*

October 12, 1841), the Agent at Delhi, addressed to Thomason, Secretary to the Government, North-West Provinces relative to a claim advanced by the collateral heirs of the late Mohinder Singh of Baghat. Metcalfe was of the view that the Paramount Power was at liberty to exercise its own judgement in disposing of such claims and that it was not intended that the estates should be continued in other than the direct line. He had referred the whole question to Colonel Tapp at Sabathu and quoted the opinion of Ochterlony that the “foolish and undecided conduct of Rana Mohider Singh at a time when his cordial co-operation with the British Government would have been duly appreciated, led during his own life-time to the sequestration of the greater portion of his possessions”. Therefore, Metcalfe declared that under this view of the case the right of Government to resume the estate was unquestioned. He further remarked: “It has been shown that by usage in the Hill Provinces, the Paramount power possesses the right to exercise its own judgement in resuming or continuing a lapsed Jagir to other than direct heirs. The principle admitted, it seems hardly necessary to establish by law any fixed rule for future guidance ..... I beg to be understood that the principle of Jind succession may be made applicable to the Hill provinces, but see no necessity for binding the Supreme Government to this line of procedure by any public declaration. If made applicable, no better course can be adopted than to continue the ancestral possessions of the nearest male heir and to resume such portion as may have been acquired by conquest or aggression”.

Clerk's view, however, was different.



Colonel Tapp<sup>1</sup> in his report on this case (September 11, 1839,) terms these Hill States Jagirs and the term has been since applied by others. I do not regard them in the light of Jagirs or the rules relating to Jagirs at all applicable to them. Jagir is an assignment of part of the revenue of the state, frequently for services to be performed and is neither alienable nor hereditary. The Hill Chiefships are territories conquered by these Chiefs some six centuries ago; invaded by the Gurkhas who in some cases occupied them.....and wrested from the Gurkhas by the British, who, previous to making the attempt, called upon all the Chiefs, by written proclamations to aid in the recovery of their own possessions and finally in restoring them, declared the grant to be renewed. I deem that our views towards the hills were then one thing and our views now a very different one, and it is in this inconsistency, caprice and mutability in our opinions, regarding all great principles that is the bane of supremacy in India; Colonel Tapp, in advocating the escheat, admits that "the Hindu Law of inheritance holds good in these Hills"; but this cannot be, because the Hindu Law of Inheritance relates only to private property .....Colonel Tapp, however, might have said that the general rule from time immemorial has been for these Hills Chiefships to descend to the nearest of heir.....

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1. He was the Political Agent, Simla Hill States, and in his letter to Torrens dated September 11, 1839, had declared that the Hindu Law of Inheritance generally held good in the Hills; that in the days of the Gurkhas, the lapsed territory was given to the nearest of kin, giving instances of Mylog, Sirmur, etc. He had remarked: "In all cases where the reigning Chieftain may die without issue, the right of the Paramount State to chose a successor has never been questioned".

M. Erskine,<sup>1</sup> when called upon for a report on rules of inheritance, commences by affirming that "the Paramount Power is invariably considered to possess the right of exercising its own judgment in admitting or rejecting the claims of collateral heirs of State or Jagir, where the reigning Chieftain may have died without legitimate issue. It is then inferred that "Baghat is a fair unexceptionable lapse" because "Mohinder Singh's conduct in the Gurkha war was such as to forfeit all claim to indulgence". Clerk further observed: "This reasoning is open to some objections—First, it is not a Jagir; secondly, there are heirs of a degree deemed legitimate.....; thirdly, Mohinder Singh paid the forfeit of his omissions in the transfer to his vigilant, greedy neighbour, of a portion of his ancestral domain, estimated at three fourths of the whole."<sup>2</sup> He, in conclusion, said: "In the present case, it was not, I conceive, the intention of Sir David

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1. Erskine succeeded Colonel Tapp as the Political Agent, Simla. He had expressed his opinion thus: "The Paramount Power is invariably considered to possess the right of exercising its own judgment in admitting or rejecting the claim of collateral heirs to a state or Jagir when the reigning Chieftain may have died without legitimate issue and this principle appears to have been acted upon in a liberal spirit by the British Government in favour of such states ... whose attachment and fidelity has appeared to merit such a concession". According to him, the lapse of Baghat was "a fair and unexceptionable lapse", as the conduct of Mohinder Singh during the Gurkha war was such as to forfeit all claims to indulgence.

(B. N. 128, p. 403-04).

2. Extract is given from a despatch of Ochterlony to Secretary Adams of July 28, 1815, in which the former pointed out how false Raja Mohinder Singh had been to the British Government. (B. N. 128, p. 406—08).

Also see, Ochterlony to Ross, June 12, 1815.

Also see, Ochterlony to Ross, B. N. 61, L. N. 141.

Also see, Ochterlony to Ross, April 28, 1817, B. N. 61, L. N. 221.

Ochterlony to exclude collateral heirs from succession. It was Mohinder Singh personally who had been neglectful.”<sup>1</sup>

1. Clerk had nothing good to say about the Hill Chiefs whom he characterised as “extremely ignorant and brutal” and observed that the proper punishment for the paramount state for gross management and oppression would be the sequestration of Hill Chieftaincies. He remarked that he had three Hill States under his charge all of which were being oppressively ruled by their chiefs but pointed out the difficulties in the policy of lapse thus: “Thus are our notions of escheat in respect to the domains of these Chiefs—detrimental to this region, by alienating its Chiefs from its people. Those...who have no direct heirs, look upon their Chieftaincy as a mere life tenure and those who have, are little more at ease, because they fully comprehend that our appropriating their estates at all arises not from any fixed ideas but from the desire to get all we can under our direct dominion. They consequently apprehend that pretexts may be found to further our schemes even when lineal heirs exist.....”

Clerk also took the opportunity of comparing the laws of inheritance of the Hill Chiefs with those of the Sikhs and made the following observations:—

“ I have observed in the Baghat correspondence a confounding together of things which bear no analogy. What has the decision of the Jind case or any other Sikh inheritance to do with the ancient customs of these Rajputs? Shortly before our connection with the Sikhs, they were mere associations of robbers... without any law but the sword.....the customs of the Rajputs are so ancient and comprehensive that it seems folly or worse for us to dictate rules for their inheritance.....except in cases between rival parties claiming our arbitration. But after all it is hunting after a shadow to search for laws of inheritance to Chiefships here or elsewhere:....so fixed as the Government desires to obtain; the inheritance often descended amid anarchy; the sword, the dagger or the prison cup.....sometimes varied and determined a succession. The Hindu law which is so comprehensive regarding rights in private property provides not distinctly for Chiefships. It is not fair therefore to desire a claimant to support his pretension by adducing fixed laws. We should be content to recognise their prescriptive customs of inheritance to arbitrate dispassionately between rival claimants, to judge every case.....on its own merits, abandoning the vain hope of introducing uniformity ...and to prevent that minute and ruinous sub-division of landed property which speedily follows on our aversion to see native Chiefships maintained in respectability. (B. N. 154, L. N. 74).

In the face of this very strong plea for Vijai Singh, Government accepted Clerk's recommendation. Maddock informed Clerk that Vijai Singh was to be restored to the estate of his late brother, and added that it should never have been withheld because Mohinder Singh had died without any nearer heir.<sup>1</sup> Further, Clerk was to introduce the new Baghat Chief to the Governor-General at Kasauli on November 21, 1842.<sup>2</sup> Writing to Erskine on December 12, 1842,<sup>3</sup> Clerk requested him to pay to the new ruler the revenue collected by Government from the time the state lapsed to the date on which it was restored. Erskine did the needful.<sup>4</sup>

1. Maddock to Clerk, November 18, 1842, B. N. 131, L. N. 127.
2. It is strange that Maddock in this letter alludes to Vijai Singh as being the deceased ruler of Baghat and Mohinder Singh, as the living brother. In reality, it was just the reverse. Mohinder Singh had died and Vejai Singh was alive and the estate was restored to Vijai Singh and not to Mohinder Singh.
3. Clerk to Erskine, December 12, 1842, B. N. 85, L. N. 558.
4. Erskine to Clerk, December 16, 1842, B. N. 50, L. N. 49.

With the state of Baghat was also Kasauli, which Government wanted to keep. Vijai Singh was quite agreeable to giving it as Nazrana, but Government paid him Rs. 5000 for it (B. N. 131, L. N. 127).

See also :

Clerk to Erskine, December 24, 1842, B. N. 85, L. N. 572.

Clerk to Erskine, December 27, 1842, B. N. 85, L. N. 574.

On May 19, 1843, Clerk asked Erskine to bestow a Khilat on the new ruler of a value not exceeding Rs. 300. (B. N. 87, L. N. 170). Erskine had asked Clerk's permission to present a Khilat worth Rs. 1200. (B. N. 50, L. N. 70):



## (ii) JUBBAL.

It was in a letter to Thomason of May 16, 184      {Clerk  
referred to the Jubbal case in these words<sup>1</sup> :—

“ In November last, the Governor-General put into my hand a petition, purporting to be from the widows and the son (a minor) of the late Rana Puran Chand of Jubbal.....and directed me to report upon the case.....Some of the people of Jubbal accompanied by some of the heads of villages, visited Simla about a year ago and clamorously demanded of the Officiating Political Agent to restore the minor Chief. I do not regard this circumstance as any indication of the real feelings of the people. It was more probably a trick of the Wazirs and their partisans.

I had wished to visit Jubbal before finally reporting on this case. For this purpose I set out at the end of March but Kaithal affairs recalled me. I was again on my way thither last week to meet Mr. Erskine there, but my health.....not quite equal to it, I have turned to Simla. Here I have seen Mr. Erskine and returned yesterday.....

I beg now to submit for the consideration of His Lordship the opinion of Mr. Erskine regarding this case of Jubbal.....the mode of present adjustment devised by Mr. Erskine in transferring at once to the direct management of the young Chief's mother, the portion of the territory always held for a Chief's support, is the most appropriate. The child is now in his ninth year, When eighteen, if he proves eligible to the charge, the whole territory.... should be transferred to him. If he

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1. Clerk to Thomason, May 16, 1843. B. N, 158, L. N. 55.

is not then eligible, he never will be and should become a pensioner of the British Government.

Jagirs can be assigned for the other widows as suggested by Mr. Erskine out of the main portion of the territory.....

I conceive that the Paramount State has a better right and would be better, generally, in being prompt to dispossess or to exalt chiefs, for incapacity or for good governing qualities, than in losing time in nice discussions of rules of inheritance.....

But in the present case the British Government retains a peculiar discretion in the disposal of the territory, owing to the transaction called the abdication of the late Rana.

This act of Rana Puran Chand has been a good deal discussed by the British authorities. Some have considered it bonafide abdication, others have thought that the terms of the document announcing his determination do not....., while some consider that whatever may have been said no Rana could ever intend to abdicate in our sense of the term.....I can conceive Puran Chand, be set as he was by his sovereign Wazirs to have been at the time similarly indifferent as to the future fate of his country. But it is not for the Supreme Government, I think, to avail itself prematurely of these reckless offers; but in the first instance and for once by the use of its advice and influence to put a chief so situated straight with his ministers or his creditors or his people as the case may be<sup>1</sup>.....I have.....applied myself to remove the embas-

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1. Clerk depicts in these words the real principle, which should guide a suzerain power in its attitude towards its vassals.

ment of the Chief and forbore to expose them to my Government. And thus I am disposed to estimate the character of the late Rana's act of secession.....on the part of the local British authorities, there should perhaps have been less satisfaction and promptitude evinced in closing with such an offer and rather more exertion made to emancipate the Rana from the thralldom in which his Wazir held him ”.

Thomason replied that the Governor-General concurred with Clerk in the course he proposed to adopt with respect to Jubbal.<sup>1</sup> So Clerk was responsible for ultimately restoring the son to his patrimony.

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Kaithal was the last state to escheat during Clerk's term of office. In the foregoing pages, the main consideration underlying the Government's action in the application of the “ doctrine of lapse ” .....that as it did not receive any tribute from the Cis-Sutlej princes, it could only recompense itself by occupying the territories of the heirless when they deceased.....is clearly established. In most of the cases the lapse was perfectly legitimate in terms of this consideration ;

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1. Thomason to Clerk, May 25, 1843, B. N. 133, L. N. 83.

Both the widows of Rana Puran Chand were given Rs. 300 a year each while arrangements were made for the management of the estate in the minority of the child.

Richmond to Thornton, January 1, 1844, B. N. 159, L. N. 4.

Richmond to Thornton, August 15, 1844, B. N. 160, L. N. 32.

Shakespeare to Broadfoot, December 12, 1844, B. N. 136, L. N. 131.

the last holders of estates did not leave any direct heirs.....a daughter's children being excluded from succession. Further, Clerk's own attitude towards this important question has become intelligible. He was not actuated by mere greed of territory but by honest belief that the people, too, would benefit by coming directly under British Control. Another noteworthy feature is that Clerk's correspondence on the subject of lapse helped the Supreme Government in enunciating its policy with definiteness and clarity. The nearest male claimant would be allowed to succeed and the lapsed territory would be returned if Government felt convinced by the genuineness of his claims, *e.g.*, in cases of Gaukpur, Mustafabad, and Baghat. Again, a collateral could succeed to that part of the principality only which belonged to the ancestor from whom he derived his title....the succession of Sarup Singh to the diminished state of Jind and the return of some Kaithal territory to Bhai Gulab Singh of Arnowli illustrate this point. Ferozepur might have been returned to Jhanda Singh and Chanda Singh in conformity with this principle but in this particular case, other consideration prevailed.... its great strategic importance. Jamiyat Singh of Thanesar had no collaterals to claim his estate. Baghat was restored to the younger brother.

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## CHAPTER IV

**Disputes between different Co-parceners or the Cis-Sutlej Chiefs and their feudal dependants.**

I proceed to discuss in this chapter the disputes arising, during the period of Clerk's agency, either between different co-parceners or the four big Chiefs.....the rulers of Patiala, Jmd, Nabha and Kaithal.....and other Sardars on one side and several of their feudatory Chieftains on the other.<sup>1</sup> The British Government, by virtue of its paramountcy over them all, assumed the role of arbiter, the Agent at ambala and the Agent at Delhi, actually representing the appellate authority. Final reference of course lay with the Governor-General but his intervention occurred only in a few cases of exceptional importance. Threats of using force and even actual use of it to enforce decisions were at times found necessary against the minor Chieftains if they did not abide by the British decisions. Accordingly, a small military force was kept at Ambala under the authority of the Agent there.

There had been constant unrest in the Cis-Sutlej region before the Proclamation of 1809.<sup>2</sup> Therefore that proclamation confirmed

1. There were three well-known divisions of Chiefs:  
(a) Missaldars or equals; (b) Tabedars or dependants; (c) Jagirdars or persons holding lands in Jagir, that is, on terms of military service.
2. A historical commentator has thus described the condition of the Cis-Sutlej Sikhs: "A people so thrown together had no elements of cohesion; universal independence left no room for obedience; equality of rank excluded the possibility of subordination. Common danger might unite them for a time; but that over, each man became a king as far as he could make his arm felt. It was quite as common for the Sikhs to draw their swords upon each other as upon the common foe.....Such was the normal state of things in those days.... Jealousies, recriminations and feuds ruined their strength ..... they never were or could be a united people ... Malcolm tells us that in 1805 every shadow of that concord, which once formed the strength of the Sikh nation, seemed to be extinguished." Calcutta Review, Vol.LIII,P.251, 1871.

by one of 1811, had required the Chiefs to avoid mutual warfare and as far as possible adjust their differences peacefully. But these had little or no effect, and the years from 1809 to 1845 had proved so full of dissensions among them as to keep the Agents at Ambala and Delhi fully occupied in settling them. The records of the time bear witness to their earnest efforts in this direction, and "teem with reference to the difficult enquiries necessitated by the frequent disputes among the principalities by their preposterous attempts to evade control and by acts of extortion and violent crime in their dealings with the villages."<sup>1</sup> In fact, the Cis-Sutlej Chiefs, big and small, have had no time to develop politically, and the most lawless and unscrupulous among them had often succeeded in grabbing territory. They ignored all ideas of moderation or restraint, and on the slightest pretext, flew at each other's throats. Again, their ill-defined boundaries constantly raised disputes which they never could settle among themselves, but always necessitated intervention by the Agent. Cunningham has wisely observed:<sup>2</sup> "Both in considering the relation of the Chiefs to one another and their relation collectively to the British Government, too little regard was perhaps paid to the peculiar circumstances of the Sikh people. They were in a state of progression among races as barbarous as themselves, when suddenly the colossal power of England arrested them and required the exercise of political moderation and the practice of a just morality from men ignorant alike of despotic control and of regulated freedom."

Clerk had to interfere in the following disputes :—

(1) Between the Raja of Hindur and the Singhpuria Chiefs.

1. Griffin, "Chiefs and Families of Note in the Punjab, Vol. I, p.56. He observed :

"Year by year Government was driven in self-defence to tighten the rein and every opportunity was taken to strengthen its hold on the country".

2. Cunningham, p.144.

- (2) Between the Co-parceners in Bubbeal.
- (3) Between the Raja of Patiala and Badaur.
- (4) Between Patiala and Nabha rulers and the Maharajkian Sikhs.
- (5) Between the Patiala ruler and Fateb Singh Ahluwalia on one side and the Jabhu-Majra Sikhs on the other.
- (6) Between Patiala and Nand Singh of Chamkoyan or Chandkoyan.
- (7) Between Patiala and the Jhurruk zamindars.
- (8) Between the Patiala and Kaithal Chiefs and Mehar Singh of Jumba.
- (9) Between Patiala and the Chulian Sikhs.
- (10) Between Kaithal and Charat Singh of Dhansita.
- (11) Between the Bhai of Kaithal and Barwalia Sikhs.
- (12) Between Nabha ruler and the Ludran and the Sonti Sikhs.
- (13) Between Jind and Balawali Sikhs.
- (14) Between Fateh Singh Ahluwalia and Sardarni Sukhan.
- (15) Between Fateh Singh Ahluwalia and Maha Singh Barogia.
- (16) Between Fateh Singh Ahluwalia and Gulab Singh and Karam Singh of Achnair.
- (17) Between Fateh Singh Ahluwalia and Atal Singh.
- (18) Between Ajit Singh Ladwa and the Lilokheri Sardars.
- (19) Between Gulab Singh Shahid and the Subga Sikhs.
- (20) Between Gopal Singh Singhpuria and Bahadur Singh.
- (21) Between Gopal Singh Singhpuria and Jassa Singh of Baidwan.
- (22) Between Sardarni Sahib Kunwar and Wazir Khan.
- (23) Between the Sodhis of Anandpur.
- (24) Between the Malerkotla Chief and Rahmat Ali Khan.

(25) Between Patiala and Fateh Singh.

(26) Between the Pathan and the Sikh Co-parceners in Indri.<sup>1</sup>

**(1) Disputes between Co-parceners in Bubbeal.**

In 1833, Clerk forwarded to Fraser, a petition of the female co-parceners of Bubbeal, consisting of twenty-nine villages in Ambala district.<sup>1</sup> He traced the history of Bubbeal from its first occupation by Majja Singh and then by his brother Dya Singh who owned it till 1808 when he allotted its revenues without any partition of its lands. Dya Singh reserved to himself two-fifths of the produce, gave his younger brother also two-fifths and allotted one-fifth to his nephew Karam Singh, the son of his deceased sister. But Dya Singh retained a controlling voice in the management of the Patti.

The share of Dya Singh descended to his grand-son, Harnam Singh, who was in its possession; Hakumat Singh, the younger brother, died childless but left two widows—Dharam Kunwar and Rajinda.....who still possessed his two-fifths share in equal proportion. Karam Singh also died leaving his two widows without children and they inherited his one-fifth share equally; Mai Pardhan, the elder widow, had died three years earlier and her share inherited by the other surviving widow, whose name was also Rajinda. Thus there were three female co-parceners. Rajinda the second was about to die and Clerk was anxious to have the instructions of Fraser about the disposal of her share.<sup>2</sup>

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1. Out of these 26 disputes, I shall be dealing with seven more important ones in the body of this Chapter, while the rest would be treated in Appendix No.I, Chapter IV, page

1. Clerk to Fraser, August 2, 1833, B.N.79, L.N.64.

2. Ibid.



The three widows wanted a partition of Bubbeal in the proportion of their respective shares. They were offended by, and felt jealous of, Harnam Singh, who was trying to assume a superior degree of control and management of the Patti. Their desire was that their shares in the Patti, after their death, should be annexed to Ambala. But Harnam Singh wanted that their shares should be given back to him and not treated as escheat. He claimed that his grand-father had maintained and handed down to him a subordinate chieftainship, to which the shares of the co-parceners ought to revert. The widows denied the existence of any chief in the Patti and thought themselves as co-equal to Harnam Singh in rank.

Clerk felt that the Sikh law was not applicable in the dispute, nor could it be solved by the application of the Hindu law, as under it the widows could not have inherited all they possessed.

In 1834, he again made his comments on the petition of Dharam Kanwar, the widow of Hakumat Singh. She desired to have her interest in Bubbeal, declared a separate portion.<sup>1</sup> Clerk thought the proposition reasonable and consistent with the usages of Pattidars in the other sactions of Ambala. But Harnam Singh denied the claim of the widow to any portion of the Patti independent of his control. Both parties were called upon to produce evidence in support of their contentions. Harnam Singh represented that it had been customary with the British authorities to address his grand-father, Dya Singh, the few orders which were issued regarding the affairs of Bubbeal previous to 1817. The Sardarnis referred to the declaration of the leading zamindars and their uniform resistance to, and non-fulfilment of, the various orders, issued to them subsequent to the demise of Dya Singh in 1818 to turnish out of their shares a proportion of their revenues for the Sardari expenses of Harnam Singh.

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1. Clerk to Fraser, July 15, 1834, B.N.80, L.N.86.

Clerk went on to observe that the only relevant proceeding was of the time of Captain Birch (1818) when he decreed an equal partition between Dharam Kunwar and Rajinda of their husbands' property in dispute between them which Dya Singh had neglected to settle as ordered. With respect to the refusal of the widows to maintain a Chiefship, Clerk stated that the claim was first advanced by Harnam Singh in 1821, when Birch called for his statement of what he was entitled to on this account. This was given, though the other co-parceners protested against this award but were warned by Birch not to withhold their contributions to the Sardari charges.

Clerk stated that the rights reserved by Dya Singh were not clear, as the evidence was contradictory and unsatisfactory. It was true that Dya Singh was the person addressed by the British Functionaries but the occasions were very few and the proper rights of several parties were at that time very imperfectly known. According to Clerk, the claim of Harnam Singh to Chiefship was an anomaly, although he distinguished the Bubbeal Pattis from other Pattis, on the score of its co-parceners having been of one family and therefore the succession of property in the lands should be placed on a different footing. But as Clerk pointed out, the widows inherited the entire estates of their husbands on their deaths, which they could not have done according to Hindu law, but on the supposition of its having been already separated from the once entire estate.

In another letter,<sup>1</sup> Clerk again discussed the position of Harnam Singh who could not be on the same footing as the Sikh Chiefs because he was just like the other Pattidars of Ambala. In all such Pattis, the Political Agent was in charge of police and revenue. Meanwhile, Fraser had recommended that the desire of the widows should be complied with. Clerk agreed with the decision and wrote : "..... Nor does there appear to me any good reason for admitting the distinction which Harnam Singh wishes to make to the detriment of the Supreme Government to which should escheat, as they escheated to our Sikh predecessors all such shares on the demise of the holders without heirs. "

According to Clerk, the assumption of the privileges of a Chiefship by Harnam Singh was inconsistent with the rights of the widows ; he had failed to establish his rights to assume any such superior-ship which had been denied uniformly by the widows.

Fraser's reply was received early in January, 1835. It was that Harnam Singh's claim to exercise authority over the co-shares of the Patti of Bubbeal was rejected and the co-sharing widows and the others were to be put in possession of their properties

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1. Clerk to Fraser, October 27, 1834, B.N.80, L.N.187.

That was in reply to a despatch of Fraser who quoted the opinion of the Governor-General. His Lordship was of the view that if Bubbeal was under the control of Harnam Singh, who was responsible for its tranquillity, then there should be no weakening of his authority. If the estate was under the direct control of the Political Agent, the Governor-General was willing to consider it as an ordinary zamindari tenure liable to be partitioned at the pleasure of any of the co-parceners, failing the lawful heirs of whom the portions so separated should lapse to Government.

About Harnam Singh's claim to Chiefship, the Governor-General held that it was a distinct question to be determined according to the best evidence procurable.

Fraser to Clerk, October 2, 1834, B. N. 34, L. N. 60A.

Macnaghten to Fraser, August 29, 1834, B. N. 34, p. 395-96.

ndependent of him ..... all subject to Clerk's control. Their heirless estates were to lapse to Government on their death.<sup>1</sup>

(2) Disputes between the Maharajkian Sikhs and the Ruler of Patiala and Nabha.

The Maharajkian villages were twenty-two in number, situated about 90 miles west of Ambala ; their area was approximately 40,000 acres and the population about 40,000 souls. The forefathers of Phul were the founders of these villages, which were named after a zamindar called Maharaj, the fifth in ascent from Phul.<sup>2</sup> They were such great lovers of freedom that they would not brook the domination of any of the Phulkian Chiefs. In fact their villages formed an independent republic and their internal affairs were regulated by the Panchayat or Council of each village. In a society so strongly constituted breaches of the peace and excess of crime were of frequent occurrence and the authority of the Panches or Heads where all considered themselves to be on level was little respected.<sup>3</sup> The Maharajkian had their disputes decided by a mediator belonging to any of the Phulkian Chiefships but without surrendering their freedom of action.

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1. Fraser to Clerk, January 10, 1835, B.N.35, L.N.3.

Macswen to Fraser, December 27, 1834, B.N.35.p.15.

2. B.N.32, L.N.76A, September 32, 1832 ; Copy of a note prepared by Trevelyan, Deputy Secretary.

\* Clerk to Metcalfe, August 31, 1836, B.N.82, L.N. 145.

Griffin says that the villages were founded by Mohan, the grand-father of Phul. By the advice of Guru Har-Gobind, he founded the village Mehraj or Maharaj-naming it after his great grand-father, Maharaj. From this village, twenty-two others have been peopled known as the Maharajkian villages ; and the jagirdars inhabiting them are known as the Maharajkian Sikhs. (The Rajas of the Punjab, p 6) .

3. B.N.32, L.N. 76A. The Court of Directors in their despatch No.31 of May 16, 1838, remarked : " ....It is not surprising that a Government by an elective body of 55 headmen, all claiming equality, should not work perfectly well, . . ." (B.N.38, L.N.90) .



After being relieved of the control of the Mohammadan Empire, into whose treasury they paid their revenues, the Maharajkian Sikhs were bereft of a controlling hand. Several secured the help of Patiala in their disputes, some of Nabha and some others of Jind. The result was that the Maharajkian villages became the battle ground for the troops of the three Phulkian states.<sup>1</sup> All this made the lot of the Maharajkian Sikhs most unenviable.<sup>2</sup> In February, 1824, they executed a voluntary deed at Ambala placing their affairs into the hands of Patiala.<sup>3</sup> This excited the jealousy of the Nabha ruler who intrigued against Patiala and by the beginning of 1826, their condition was as unsatisfactory as ever. In February 1829, Colebrooke, the Resident at Delhi, declared that the Maharajkians were indisputably independent of Patiala, Nabha and Jind and had been acknowledged to be so by Ochterlony when they entered into the engagement of February 10, 1824, and as that arrangement had been encroached upon by the Patiala and Nabha Rajas in their schemes of mutual annoyance the zamindars were at full liberty to exercise their independence in the formation of a new arrangement.<sup>4</sup> Murray was directed to take the sense of the Headmen and of all the influential men in each of these villages "which of the three families of Patiala, Nabha or Jind they chose to be superintended by or whether they would prefer independence under

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1. As Murray observed : " The three States—are influenced solely by motives of self-interest and self-importance void of all laudable consideration for the welfare of the inhabitants and regardless of the prosperity of the common domain ". (B. N. 77, L. N. 33).

2. Clerk to Metcalfe, August 31, 1836, B. N. 82, L. N. 145.

Earlier, C. Metcalfe, the Resident, had written to Murray that each village was to choose its own Chief and that the old relations were to continue. (B. N. 26, L. N. 88, May 6, 1826).

3. B. N. 32, L. N. 76A.

4. *Ibid.* Earlier, Murray had asked the Nabha and Patiala rulers to withdraw their troops (B. N. 75, L. N. 256).

British protection."<sup>1</sup> He made an attempt to ascertain the sense of the leading men and a majority of twenty declared in favour of Patiala.<sup>2</sup> His impression was that the popular voice was in favour of the superintendence of the local British functionary,<sup>3</sup> to the exclusion of Patiala, Jind, and Nabha.<sup>4</sup> But he knew that there were insuperable difficulties to the direct interference of the Agent at Ambala, particularly so when the villages were situated at such a great distance and were divided from Ambala by independent principalities. Therefore he recommended that all the villages should be placed under Patiala or full freedom should be given to each village to select one of the states as its protector.<sup>5</sup>

1. Colebrooke was against the double authority to be exercised by Patiala and Nabha and said that if each village were to be allowed to place itself under the separate portion of Patiala, Nabha and Jind, the community might in fact be said to be dissolved.

Colebrooke to Murray, February 16, 1829, B. N. 29, L. N. 36.

2. Murray to Martin, May 23, 1831, B. N. 77, L. N. 33.

3. Martin, the Resident at Delhi, was ready to take the Maharajkians under British control.....of course, with their consent. (B. N. 31, L. N. 23, May 5, 1831).

4. B. N. 32, L. N. 76A.....Murray had stated in April, 1831, as follows:—

“I am disposed to think the happiness of the people and the general tranquillity of these villages will be best consulted by having one and supreme controlling authority to which all can appeal for the investigation and settlement of their rights, and for the counteraction of grievous wrong.”

Also see, B. N. 77, L. N. 15.

5. Murray expressed himself against the double or triple rule and in favour of “one supreme controlling authority,” preferably that of Patiala “under the express stipulations that no armed retainers to be at any time introduced into or any emoluments of superintendence in cash or grain either direct or indirect be drawn from the Maharajkian villages.” *Ibid.*

Also see, Murray to Martin, May 23, 1831, B. N. 77, L. N. 33.

This brings us to the days of Clerk. In 1831,<sup>1</sup> he wrote to Martin, suggesting "the expediency of some decision in the pretensions now urged by the principal rulers descended from the house of Phul to exercise a control over this community." He said that he had conversations with the agents of the Patiala and Nabha rulers about the control over the Maharajkians and was struck by "the inveterate and rankling hatred" they bore to each other. He felt, like Murray, that their divided authority would seem to be "one of the least desirable modes of adjusting the question."<sup>2</sup>

Clerk then observed that Patiala, Nabha and Jind had equal claims on the Maharajkian but it would "be deemed most expedient to prefer the surveillance of Patiala in consideration of its superior means and.....disposition to maintain that salutary influence which the affairs of the Maharajkian stand so much in need of."<sup>3</sup> He favoured a limited control to be exercised by Patiala and for a definite and limited period only.....say, five years. After the lapse of that period, if the arrangement proved harmful to the Maharajkians, Government would take the management into its own hands. Such an arrangement, in Clerk's opinion, would make the Raja follow a very conciliatory policy towards them which would render the

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1. Clerk to Martin, September 3, 1831, B. N. 77, L. N. 60.

2. There had been disputes between the two from the times of Birch. (B. N. 65, LL. N. 100 and 104, November 22, and December 9, 1820). Murray too had reported that there was great rivalry between Rajas Karam Singh of Patiala and Jaswant Singh of Nabha. The latter at times despatched his troops to the Maharajkian villages seized and carried the zamindars and was always trying to "rouse the smothered flame of internal strife".....(B. N. 77, L. N. 33).

3. Clerk to Martin, September 3, 1831, B. N. 77, L. N. 60.

Maharajkians at the expiration of such period little desirous of seeking the interference of any other authority.<sup>1</sup>

The reply of the Resident at Delhi, respecting the most eligible method of administering the future Government of the Maharajkian community, fully approved Clerk's suggestion.<sup>2</sup> He also favoured imposing restrictions (as contemplated by Murray) which were necessary conditions of the proposed arrangement, in order to ensure beneficent results. He asked Clerk to make simple rules for the purpose of good government, with the help of the leaders of the Maharajkian community, to guide the Raja of Patiala as might be consistent with the maintenance of internal tranquillity and with the security of the lives and properties of the inhabitants of the villages to be placed under his control.

It was only to be expected that the Raja of Nabha would not relish his rival being given the management of the Maharajkians. Therefore, before the transfer of the villages could be effected, he made a complaint.<sup>3</sup> Clerk remarked: "The deep-rooted jealousy and enmity of the Raja of Nabha towards the state of Patiala have ever been such that it was to be expected he would on this occasion prefer any mode of mis-governing the Maharajkian

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1. Clerk was not afraid of the control being abused by the Raja of Patiala, for he remarked: "... I am aware, however, that the greater power of that government may be said also to afford greater apprehension of abuse of this trust, but it strikes me that the manner in which Patiala has hitherto preserved his relations with this community admit of a reasonable expectation that a more satisfactory result would attend his obtaining a limited control over them".

2. Martin to Clerk, September 19, 1841, B. N. 31, L. N. 54.

3. Clerk to Martin, January 29, 1832, B. N. 78, L. N. 7.



community to that of establishing their affairs on the proposed footing, which conveys on the part of the British Government an acknowledgment of superior means, efficiency and moderation of the Patiala Government." In order to discredit his rival, the Nabha Raja went so far as to commit outrages in the villages of the Maharajkians.

Clerk very strongly felt that the consequence of the restricted control would lead to comparative security, inspite of the fact that Patiala might have been guilty of certain high-handed acts previously. The Nabha ruler wanted that the control should be vested in his own hands,<sup>1</sup> and that the period of probation might be reduced from five years to three.

Writing about the Maharajkians in June 1832, to Fraser, Clerk said that he had addressed Martin, recommending a measure for better administration of the affairs of the Maharajkian Sikhs.<sup>2</sup> It was based on the plan suggested by Murray. Martin had approved of his suggestion, but before it could be carried into execution a letter was received from the Raja of Nabha protesting against the measure. Clerk added that the Maharajkians had been quiet for a pretty long time, but they were turbulent and the Nabha ruler lost no opportunity of fomenting their quarrels.

1. Clerk to Martin, January 29, 1832, B. N. 78, L. N. 7.

In this connection, Clerk said : "..... since the rights of the three Houses of Phul to exercise such a sway are unquestionably all equal... it is a mere que stion of preference to be considered with advertence to the superior qualifications possessed by any of the branches of Phul for fulfilling the desire of the Supreme Government for bettering the condition and promoting the welfare of the Maharajkians.

2. Clerk to Fraser, June 17, 1832, B. N. 78, L. N. 34.

Mr. Trevelyan, the Deputy Secretary of Government wrote a very comprehensive note on the Maharajkians.<sup>1</sup> He traced their earlier history back to the time of Murray, and observed that the Maharajkians were too barbarous and too divided among themselves to admit of the establishment of an efficient government; the Political Agent at Ambala was overwhelmed with work and therefore unable to take this additional burden on his shoulders, and that the great distance from Ambala would make the control very difficult. Moreover, British management would require expensive establishment for which a land tax would have to be imposed on the Maharajkians, who might not like such a levy. The Phulkian states were ready to undertake the management because they would gain great influence.<sup>2</sup>

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1. B. N. 32, L. N. 76A, September 22, 1832.

He gave the opinion of Fraser which was in favour of the sovereign protective authority of the British Government through Patiala, Nabha or Jind; the former would be the fittest Chief to exercise control but the Maharajkians were to have the right of appeal to Political Agent.

2. B. N. 32, L. N. 76A, September 22, 1832.

In order to illustrate his point, the following quotation was given by Trevelyan from one of the despatches of C. Metcalfe, who had been the Resident at Delhi:—

“Community of language, habits, and customs, the regard which is paid to the degree of relationship in which they stand towards the rival states and above all, the probatory nature of the candidate will all conduce to make the Government of a native Chief less burdensome to them than the control of the native establishment, we should be obliged to impose upon them.”

Trevelyan also was in favour of Patiala on account of its superior power and influence. The personal character of the ruler was above suspicion; his administration was the most respectable of the three; a majority of the Maharajkians were in his favour, while the conduct of the Nabha Raja was not very creditable. The probationary period proposed was five years and Trevelyan wanted Patiala to enter into a written bond in which the ruler would have to promise to decide disputes with justice, to protect the rights and privileges of the Maharajkians, not to demand anything in the form of revenue, land-tax or octroi and to conform strictly to any other rules which the Supreme Government might issue for his guidance. The Political Agent was to interfere in as few cases as possible and in such a manner as would be least degrading to the Raja's authority.<sup>1</sup> A large discretion was to be vested in the Raja and unless great caution was exercised in framing the rules, the attempt to lay down detailed rules would be likely to lead to intrigues against his authority; at any rate, suggested Trevelyan, it would be better to wait till their expediency was demonstrated by experience instead of laying them down experimentally in the first instance

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1 B. N. 32, L. N. 76A, September 22, 1832.

Trevelyan was against the cases being taken to the Political Agent direct as it would mean a double government and a divided responsibility and lead to a perpetual struggle between Patiala's partisans and its rivals. The result would be disorder and violence. The object of entrusting the Government of the Maharajkians in the words of Trevelyan was "the establishment of stable and settled government with powers sufficient for the maintenance of its authority which at the same time it will be responsible to us for any violation of the trust which has been invested in it. ...."

The Honourable the Vice-President in Council, to whom the case had been referred, concurred with the Governor-General in placing the Maharajkians under the protection of Patiala as an experiment.<sup>1</sup> The only objection occurring to the Vice-President was that it might lead to misconduct on the part of the Raja of Nabha, "which may involve the Government in the unpleasant<sup>2</sup> necessity of treating him with some severity". In December 1832, Fraser forwarded a letter from the Secretary at Calcutta in which the Governor-General had resolved in concurrence with the Honourable the Vice-President in Council to entrust the administration and the government of the whole of the Maharajkian villages, to the Patiala Raja for a period of five years.<sup>3</sup> The villages were to be made over to the Raja upon his delivering in a written agreement his consent to abide by the condition laid by the Supreme Government.

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1. Swinton to Macnaghten, November 5, 1832, B. N. 32, L. N. 103, p. 383.

2. Fraser to Clerk, December 12, 1832, B. N. 32, L. N. 120.

Macnaghten to Fraser, December 4, 1832, p. 442-42.

3. The following four conditions were laid down :—

(1) To decide every case which is referred to him by the members of the Maharajkian community.....with justice and impartiality.

(2) To conform and protect them with possession and exercise of all their established rights and privileges.

(3) Not to demand anything from them in the shape of revenue either as land tax, or octroi on any pretext whatever.

(4) To strictly conform to any other rule which may hereafter appear to the Supreme Government to be necessary for his guidance in the discharge of his trust.

According to the instructions of the Governor-General, the British Government was not to interfere until there was "extraordinary abuse of power"; the Political Agent was to interfere in as few cases as possible and in such a manner as likely to be the least degrading to the Raja's authority. (B. N. 32, p. 442).



Clerk, on July 23, 1833, acknowledged the orders of Government regarding the Maharajkians but observed that Patiala persisted in upholding a claim to exclusive rights of unconditional jurisdiction which had been repeatedly denied by Government, the admission of which would be incompatible with that degree of independence to which the Maharajkian community had established its title.<sup>1</sup>

Under these circumstances, the Political Agent suggested that they should be put under his control. But he wanted that the states of Patiala, Nabha and Jind should be warned against interference in the affairs of the Maharajkians.<sup>2</sup> He therefore asked for

1. Clerk to Fraser, B N. 79, L. N. 58.

The Raja of Patiala addressed three letters to Clerk dated January 2 and 19, and March 14, 1833, claiming that from the times of Raja Alam Singh and Amar Singh, the Patiala rulers had settled the disputes of the Maharajkian ; although he did not get any revenue from them, yet it was his desire to promote their welfare ; he protested against their being considered independent of him ; they were the dependants of Patiala and as such had paid a tribute of Rs. 4000 and a horse to Diwan Nannu Mal in 1788. The Raja of Patiala also argued that his father had saved the Maharajkians from the greed of Diwan Mohkam Chand, and that in 1808, when Maharaja Ranjit Singh was about to attack them, his father (Raja Sahib Singh) had armed them, and allowed them to garrison the fort at Bhatinda ; he also wrote how Ochterlony had not questioned Sahib Singh's right to exercise control over them unconditionally therefore he regretted his inability to agree to the conditions which the British Government wanted to impose upon him, adding by way of further explanation ; " Do not attribute my non-compliance with the proposed conditions to personal motives."

2. Clerk to Fraser, July 23, 1833, B. N. 79, L. N. 58.

He observed : " The entire withdrawal, therefore, of the obnoxious influence of the rival states of Jind, Patiala and Nabha is essential to the exercise of any degree of salutary superintendence on the part of the local agent. The bitter jealousies of these Chiefs, but especially of the two latter, in regard to the administration of the affairs of the Maharajkians, have hitherto been the bane of community and it may be anticipated, that the endeavours to put aside the party feeling excited among them, will still be met here and there by the secret designs of Patiala and Nabha.

an order of Government placing them directly under British superintendence — an order which should be accompanied with “ letters on the part of the Government, addressed to the rival Chiefs, containing the strongest admonitions against their future interference in the affairs of this community, on any occasions except when their services may be called for by the British authorities.” Government did issue such an order.<sup>1</sup>

For about three years, the Maharajkian affairs were allowed to lie over. In April 1836, Metcalfe forwarded a copy of the despatch from the Secretary at Agra relative to the Maharajkian Sikhs.<sup>2</sup> Clerk was directed to suggest some arrangement by which the necessary improvement of the Maharajkian administration might be effected, if he thought that their internal condition was serious and required the adoption of any special measure. Bushby, too, wrote to Metcalfe “ to expedite the transmission of report---called for from Political Agent, Ambala, respecting the Maharajkian Sikhs.”<sup>3</sup>

Clerk gave a very lengthy reply<sup>4</sup> in which he traced their early history till the time when they were placed under the control of his office by order of Government dated August 22, 1833. To communicate that order, he summoned important members of the Maharajkian community to meet him at Ambala. Several hundred attended ; Clerk asked them to elect “ Sarkardas ”, or heads of

1. The order of the Government, dated August 22, 1833, was quoted by Clerk in his letter to Metcalfe of August 31, 1836 — (B. N. 82, L. N. 145).

The Board of Directors seemed to have realised the reluctance of Clerk in assuming the charge of the Maharajkian affairs (B. N. 38, L. N. 90. December 27, 1838):— Despatch No. 31, May 16, 1838.

2. Metcalfe to Clerk, April 28, 1836, B. N. 36, L. N. 34.

Bushby to Metcalfe, April 16, 1836, B. N. 36, p. 124.

3. Metcalfe to Clerk, August 29, 1836, B. N. 36, L. N. 81.

Bushby to Metcalfe, August 21, 1836, B. N. 36, p. 284.

4. Clerk to Metcalfe, August 31, 1836, B. N. 82, L. N. 145.

every Patti who were to make full inquiries into their disputes and settle them by arbitration. The number thus elected was fifty-five; later on it was reduced to forty-eight.<sup>1</sup> The heads pointed out to Clerk that they had not the means to control the factions who used to indulge in disputes about land. Therefore, many of their decisions confirmed by the Political Agent could not be enforced for months. So they requested him to recommend to Government to fix a permanent Thana for the purpose. Clerk told them plainly that Government would not agree to that measure and that it was also possible they themselves might repent of this request later on.<sup>2</sup>

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1. This was done at Clerk's persuasion when he was at Balawali. Clerk also reported the prevalence of two great evils in the Maharajkian society—infanticide and land disputes. To stop the former evil, he had a talk with these "Sarkardas" who agreed with him that the practice was against the teachings of their Gurus and promised to put an end to it. He declared that the Maharajkians did not look upon this horrible practice with abhorrence and in spite of the assurances given by the Heads, Clerk believed that it was quietly practised. However, with their approval, Clerk issued a proclamation that any one who should be proved hereafter to have suffered the crime to be practised in his family would be liable to the forfeiture of his estate. Clerk once again made an earnest appeal to them to stop this evil practice and they agreed unanimously to assist him in its suppression. In regard to land disputes, Clerk remarked: "..... the general protection of the British Government has not only removed the danger which kept their union alive, it has also enhanced immeasurably the value of their lands .... Thence ..... struggles and affrays, arising out of disputes, regarding the possession of such property, are of daily occurrence."

(B. N. 82, L. N. 145).

2. Clerk to Metcalfe, August 31, 1836, B. N. 82, L. N. 145.

Notwithstanding comparative quiet prevailing in their territories, Clerk thought that this by no means meant that they had assumed peaceful habits. A majority were still in favour of fighting out their disputes, but if bloodshed could be averted the disputants could be brought to see the advantages of compromise. He also talked with the Headmen about the anxiety of the British Government to improve their administration;<sup>1</sup> they expressed their inability to carry through any measures for preventing recourse to arms on every trifling occasion by turbulent members unless they had effective military support.<sup>2</sup>

In other words, the Maharajkians required careful nursing and watching.<sup>3</sup> One must realise what herculean efforts Clerk was making to civilise them and turn them into peaceful citizens.

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1. Clerk could suggest no other remedy of improving their administration except the introduction of municipal laws. According to him, it would not be attended with much difficulty. The Court of Directors in their Despatch No. 31 of May 16, 1838, paid a tribute to the work of Clerk in the following words.....“ The difficulties which existed in Government of this body have been hitherto very successfully contended against by the Agent at Ambala.”

(B. N. 38, L. N. 90, December 27, 1838).

2. Clerk felt that there was a great necessity for such a support. He further remarked: “ This done, the introduction through the mediation of Headmen of rules indispensable to the amelioration of the condition of the community may be proceeded with in the certainty that whatever is pointed will be carried into execution.”
3. For that purpose, Clerk wanted to utilise the services of the First Local Horse, stationed at Balawali. If that were not possible, Clerk wanted to recruit a detachment of 50 Horsemen; unfortunately the Maharajkians were unable to pay for their expenses. Under these circumstances, Clerk felt compelled to recommend the use of a detachment of the Sikh Contingent, kept at Ambala. Metcalfe, the Agent at Delhi, referred Clerk to Bushby's despatch of September 34, 1836, addressed to himself, in which the Lieutenant-Governor accepted Clerk's suggestion.

Clerk to Metcalfe, August 31, 1836, B. N. 82, L. N. 145.

Metcalfe to Clerk, September 30, 1836, B. N. 36, L. N. 38.

Bushby to Metcalfe, September 24, 1836, B. N. 36, p. 325.



### Disputes between Patiala and the Chulian Sikhs.

On January 4, 1836,<sup>1</sup> Metcalfe, the Agent at Delhi, enquired of Clerk whether the Chulian Sikhs, who had been temporarily placed under the authority of Patiala, could be made independent of that state without danger of returning to their former habits of violence; he was also to find out if the Raja of Patiala had any objection to urge against their being emancipated from their subjection to his paramourncy.

Clerk replied: "I do not think there is any danger of Chulian Sikhs returning to their former habits of violence in the event of their being again considered independent of Patiala---They would not be more unruly than others, subjected to the Agency at Ambala". But he also pointed out that the Raja of Patiala would not like to agree to the proposal as it would mean a diminution of his authority and military means.<sup>2</sup>

Clerk was emphatically of the opinion that nothing had ever occurred in the history of the Chulians which could be constructed as having abrogated their right to be allowed to re-assume that degree of independence under protection of the British Government which was vested in the Sikhs of their class. If these Chulians were given for ever to Patiala, it might in fact regard them as escheated to its Government. Moreover, their record under the British Government was not a bad one.<sup>3</sup> Therefore Clerk thought

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1. Metcalfe to Clerk, January 4, 1836, B. N. 36, L. N. 2.

Bushby to Metcalfe, December 19, 1835, B. N. 36, p. 9.

2. Clerk to Metcalfe, January 12, 1836, B. N. 82, L. N. 8.

One could understand Patiala's reluctance to release them from his authority. The Chulians were a confederacy of 500 Horsemen and Patiala stood to gain a great deal from them.

3. *Ibid.*

it would be just to restore them to the direct protection of the British Government; the rights of Patiala would not be infringed by the step. In that event, "the Chulian Sikhs would serve most willingly and zealously the British Government direct and would consider a fixed proportion of their sawars, to join the Sikh contingent, as the best of terms compared with those of their present subjection". Metcalfe once again requested Clerk to ascertain whether the Raja of Patiala had any objection to the restoration of the Chulian Sikhs to their independence.<sup>1</sup>

When the proposal was submitted to the Raja of Patiala, he could offer no specific objection to the claims of the Chulian Sikhs, but referred to the orders under which he had exercised authority over them.<sup>2</sup>

Government next asked Clerk to suggest a plan for an independent government of the Chulian Sikhs.<sup>3</sup> Clerk replied that the best plan recommended and in the process of adoption was that the proprietors should be bound in writing to abide by the decision of the "Sarkardas" or elected heads of their Pattis or divisions.<sup>4</sup> Certain arbitrators should also be appointed to work under his guidance.

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1. Metcalfe also wrote: "It is not to be supposed that the Patiala Chief will willingly accede to the emancipation of these tributaries".

Metcalfe to Clerk, February 11, 1836, B. N. 36, L. N. 11.

Bushby to Metcalfe, February 3, 1836, B. N. 36, p. 54.

2. Clerk to Metcalfe, March 21, 1836, B. N. 32, L. N. 39.

3. Metcalfe to Clerk, April 28, 1836, B. N. 36, L. N. 33.

Bushby to Metcalfe, April 16, 1836, B. N. 36, p. 122.

Metcalfe to Clerk, June 20, 1836, B. N. 36, L. N. 49.

Bushby to Metcalfe, June 8, 1836, B. N. 36, L. N. 178.

4. Clerk to Metcalfe, July 5, 1836, B. N. 32, L. N. 10.

Clerk could see no difficulty in the nomination of the "Sarkardas". This arrangement was complete in the Patti of Barel; in the other Pattis, Clerk observed that the people had been deterred by threats from expressing themselves in favour of British control. He also felt that it was a mistake on their part to have preferred such a request; but having done so, Clerk recommended their being taken under British protection.<sup>1</sup> Their condition might become much worse, if they were not removed from the control of Patiala. Even if the "Sarkardas" were not nominated by the Pattidars, the Political Agent could foresee no difficulty in exercising an efficient control over them from Ambala.

The Chulian Sikhs were given the option of either remaining under British Government or that of Patiala; Clerk also suggested that the Barel Patti might be placed under the Agency at Ambala, as it had expressed itself in favour of accepting the British protection; the Sikhs of the other Pattis had not shown any keenness in the matter and Clerk thought that they must be feeling satisfied with the old system. He, therefore, recommended that the management of the Barel Patti might be assumed by the British Government while the remainder of the Chulian Sikhs as well as Patiala might be notified that the former were at liberty to continue their present connection with the latter or to terminate it hereafter.

On August 11, 1836, Metcalfe referred Clerk to the despatch of Bushby in which the five Pattis of the Chulian Sikhs were directed to show by election whether they would like to come under the direct control of the British Government or to remain under

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1. Clerk to Metcalfe, July 5. 1836, B. N. 82, L. N. 120.

the superintendence of the Raja of Patiala.<sup>1</sup> Clerk, in following the instructions of Government, asked the Patiala authorities to depute an officer to accompany one being sent by him but no state officer attended. Clerk was of the view that it was a part of their design to throw obstacles in the way of the Chulians.

In forwarding the results of election, Clerk remarked that no threat or intimidation had been used to procure the signature of the people and that they had expressed their genuine feeling. With the exception of Tehl Singh in the Lamba Patti, the people had voted in favour of being restored to the control of the British Government.<sup>2</sup> Two papers had been submitted by the Vakils of Patiala—one containing the signatures of 14 co-sharers, the other of eighteen. From their dates they appeared to have been drawn up about the time when the Patiala authorities were having recourse to threats. All these people had subscribed to the declaration which expressed a desire to be emancipated from the control of Patiala. Clerk added in conclusion that each Patti had executed a written engagement to abide by the decision of the "Sarkardas", who would act as arbitrators under the superintendence of his office<sup>3</sup>.

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1. Metcalfe to Clerk, Augst 11, 1836, B. N. 36, L. N. 73.

Bushby to Metcalfe, Augst 6, 1836, p. 259.

The Secretary further wrote: "——It is not necessary to bind ourselves to grant that option hereafter. Further application for emancipation from the superiority of Patiala will be decided as may be expedient at the time of presentation. Whatever the Raja may have to urge against this arrangement is to be submitted for consideration".

2. Clerk to Metcalfe, September 16, 1836, B. N. 82, L. N. 152,

3. *Ibid.*



Metcalf, in reply, referred<sup>1</sup> him to the letter of the Secretary at Agra in which the Lieutenant-Governor had approved the arrangement in the five Pattis of the Chulian Sikhs for emancipating the people from the control of Patiala and placing them under the British Government; the appointment of headmen for the settlement of disputes was also appreciated. In this way, the Chulians were taken under British control.

#### (4) Disputes between Kaithal and Barwalla Sikhs.

On November 16, 1834,<sup>2</sup> Clerk reported on the case of Barwalla Sikhs versus the Kaithal Chief. Ochterlony on one occasion had allowed the Bhai of Kaithal to enforce his (Ochterlony's) decree in a case affecting the Barwallas. Birch, before whom many complaints were made between 1815-18, used to adjust such cases without the mediation of the Kaithal authorities. Bhai Lal Singh of Kaithal had protested against such a proceeding and thereafter Birch would settle certain disputes through the Bhai and others as before, i. e. .... directly with the parties themselves. He generally followed the latter course but in the last Barwalla case he passed an order referring the complaint for inquiry to the Kaithal Vakils. Ross followed the policy of his predecessor last pursued by him; Murray also referred the very first Barwalla case to Kaithal observing that all the Pattidars and Sikhs of Barwallas being subject to Kaithal, complainants among them should repair thither. He seemed to have considered the Bhai as the proper arbiter and uniformly to have referred all such cases to Kaithal.<sup>3</sup>

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1. Metcalfe to Clerk, October 1, 1836, B. N. 36, L. N. 89. Bushby to Metcalfe September 20, 1836, B.N. 36, L.N. 89.

2. Clerk to Fraser, November 16, 1834, B.N. 30, L.N. 199.

3. *Ibid.*

Clerk then went on to give some particulars about the leader of the discontent—Sukha Singh Barwalia,<sup>1</sup> who not only denied the right of Kaithal to control the Barwalias, but also refused to be a party to a written engagement by which many other Barwalias in 1804--05 had bound themselves to Kaithal. He had complained to the Governor-General's Agent at Delhi that the Bhai of Kaithal had built a fort in Ludhi; on Clerk's asking for the authority of such a measure, the Bhai's Agent asserted that they had a verbal permission and could not produce any letter or order to support their assertion. On September 29, Sukha Singh and other Barwalia Sikhs reported to Clerk of an attack made on the village of Nalvi by the Kaithal troops. On October 12, Clerk addressed a letter to the Bhai prohibiting his again interfering forcibly in the affairs of Barwalias without special instructions. Two days after, came the collision between the Bhai's troops and the Barwalias at Golepura in which several lives were lost.<sup>2</sup> The immediate cause of these hostilities was the imprisonment of certain Sikhs by Sukha Singh and his partisans. After their release they had gone to Kaithal and told the authorities there that their confinement had been the consequence of their declaring two years earlier their allegiance to the Bhai. Sukha Singh was captured and imprisoned by the ruler of Kaithal but he escaped from the prison, collected the fraternity and appealed to Delhi. Their chastisement was determined by the Kaithal ministry with the deplorable result above noted.<sup>3</sup>

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1. According to Clerk, Sukha Singh bore the character of a factious man.
  2. The loss on both the sides was almost equal; On Kaithal side, two leaders and 36 men were killed; on the side of Barwalias, two leaders and 42 men lost their lives. Many cruelties were committed by the Kaithal troops and innocent people put to the sword.
  3. Clerk never learnt that hostile preparations were going on. Neither of the two parties took the trouble of informing him.

Clerk had hurried to the spot and the Kaithal troops had retired except from the Thana at Lukhi. He had required the withdrawal of several parties left in several villages, where resistance had been shown. He had placed his Chaprasi and awaited the orders of Government. Everything was quiet and there was no apprehension of a renewal of hostilities. He was in favour of taking strong action against Kaithal, observing: "The Kaithal authorities will not suffer a recourse to arms among these protected states for purposes that may be peaceably effect in communication with the local agent for these states. These differences will be difficult to reconcile unless the Barwalia outrages are visited with some lasting mark of dis-satisfaction of the Government."<sup>1</sup>

The remedy suggested by Clerk was that the Barwalias should be taken direct under the British control as it would result in "a far greater degree of good order in the Pattis with result that has yet been attained or ever can be attained under the partial and mutable system of Government to which they have been subjected since their connection with Kaithal."

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1. Clerk to Fraser, November 16, 1834, B.N. 80, L.N. 199.

Clerk remarked: "If I may offer an opinion I should say that on the ground of no progress whatever having been made in reforming the loose predatory habits of the Barwalia Sikhs.....they were relinquished to the control of Bhai of Kaithal sixteen years ago.....that the measure of coercion directed against them were determined on in defiance of your prohibition and further those measures were carried into effect with the most unjustifiable severity, the least thing that can be done in order to mark the reprehension with which the Supreme Government regards such outrages and the inflictions of sufferings so unmerited is to require the Kaithal authorities to forego the pretensions and to abstain hereafter from all interference with the affairs of the Barwalia Sikhs ..."

Talking about the nature of the relations subsisting between the Barwalias and Kaithal state, Clerk said that it was of a loose nature which must naturally subsist among a military people. The ruler of Kaithal had adduced a written engagement on the part of these Sikhs to supply a contingent of Horse and wanted the Barwalia lands to be regarded as a fief. But that was not correct as that connection did not have any element of subservience or vassalage.<sup>1</sup> "Every Sikh assumed the right of transferring, not only his allegiance, for they owned no such tie, but his relations of mutual aid whensoever he pleased and to whomsoever he pleased." Thus the Barwalia Sikhs were at one time co-operating with Gulab Singh Shahid, at another with the Ahluwalia Missal and latterly with the Bhais of Kaithal.

On February 24, 1835,<sup>2</sup> Fraser referred Clerk to a letter of the Secretary at Agra. The Bhai of Kaithal had to pay compensation for the damage sustained by the Barwalias; his interference with their affairs was prohibited in the future. If there were any prisoners, they were to be immediately released by the Kaithal Government. The conduct of the Bhai was described as "unwarrantable"; the local British officials seemed to have been inconsistent in their attitude and at times treated the Barwalia Sikhs as subject of

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1. According to Clerk, the connection between the two was not feudal. He observed: "That variable connection, however, subsisting among Sikh proprietors, at the time this engagement was executed implied nothing of the nature of the subservience, vassalage and other conditions belonging to fealty".

2. Fraser to Clerk, February 24, 1835, B. N. 35, L. N. 10.

Secretary Agra Government to Fraser February 11, 1835. B. N. 35, p. 65-66.



Kaithal which had misled the Bhai in treating them so harshly.<sup>1</sup> Thus the Barwalias pissed out of the control of the Bhaies of Kaithal.

1. The Secretary admitted that on other occasions, the Bhai of Kaithal had recognised them as a separate and independent body.

Fraser wrote a long despatch to Government on the relations of the Barwalia Sikhs and the Kaithal Chief. After tracing in detail the early history of these Sikhs, Fraser observed that there were proofs of their independence, long before the claim of the Kaithal Chief was put forward. They had been considered so by earlier Political Agents, although they were on friendly terms with that ruler. Later on, they were placed under the control of Kaithal, although this step was not "warranted by faith or good policy". The Barwalia Sikhs had all along been opposed to it. The claim of the Bhai had rested upon a document which was not only unattested but suspected to be a forgery. Moreover, the question was not of the Bhai's claim to overlordship but of the punishment to be inflicted on him for what he had done. As Fraser put it . . . "The claims of this Chief to service and obedience from the Barwalia Sikhs and their declaration of being independent on the British Government alone being under investigation, the Kaithal Chief disregards the orders of the local authorities not to interfere violently in the affairs of the Barwalia party, attacks and plunders some of their villages . . . puts to death a number of men, makes several prisoners and retains them in confinement at Kaithal inspite of repeated requisitions for their release . . .

The Kaithal Chief . . . has maintained his claim in a manner that lays him open . . . to any punishment . . . Government may think it proper to inflict . . . ill usage by him of any of the Barwalia Sikhs . . . at once relieves them from their connection with him and it is ill usage . . . which has driven them to implore the speedy justice of the British Government and redress through its sovereign powers.

Unless Government punish the outrage . . . with very great severity, the little obedience that is now paid to the remonstrances of the Local Agent . . . will be totally withheld".

(Continued on next page)

## (5) Disputes between Nabha and the Ludran and the Sonti Sikhs.

It was in a despatch of 1833 that Clerk reported to Fraser that the Ludran Sikhs had failed to furnish their contingent of Horse to Nabha, inspite of the importunities of the ruler.<sup>1</sup> He also added that even in 1829, the Raja of Nabha had complained to Murray about the conduct of these people and desired him to recall them to a sense of their duty rather than that he should proceed himself to coerce them. By way of reply, the Ludrans had presented a petition to Government in 1830 against the Nabha ruler. As far as Clerk was concerned, all his attempts having failed to induce them to fulfil their obligation, he had to write to the Raja that he could coerce them in any manner he thought necessary to compel the attendance of their contingent.<sup>2</sup> Clerk felt that the Raja was adopting a mild course; he was only restraining them from three or four villages by holding the revenues in deposit until they obeyed his injunctions.

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*(Continued from page 253)*

Therefore, Fraser suggested a drastic punishment to be inflicted on the Bhai of Kaithal, although he admitted that the ruler was only about 19 years old and surrounded by evil advisers. The Bhai was to dismiss the officers responsible for the outrage, surrender the prisoners to Clerk and pension the widows and orphans of those who "have fallen a sacrifice to his violence" and also to pay adequate compensation to the victims; a fine was to be imposed on the Kaithal Government, If these terms were not fulfilled within a week, Fraser suggested that Kaithal was to be occupied by a force until the Chief submitted unconditionally. However, he added that the Kaithal Chief had been brought to reason by Clerk and had promised to abstain from further offensive measures. (B. N. 35, p. 69—90, January 28, 1835).

But the Lieutenant-Governor refused to accept Fraser's penal measures as the Secretary at Agra wrote that His Honour did not propose to carry the punishment of the outrage further but he was required to report that these orders had been carried into effect.

1. Clerk to Fraser, July 20, 1833, B. N. 79, L. N. 57. Also see, B. N. 30, L. N. 44, and B. N. 76, L. N. 249.
2. Clerk said that the Ludran Sikhs were even misrepresenting the number of the quota they had to furnish.

To come to the Sonti Sikhs.....Clerk, in a letter to Fraser thus traced the history of their relations with Nabha<sup>1</sup>:-

In 1820, the Nabha Raja complained to Birch about their "Contumacy," and the latter passed an order directing their attendance as here tofore at Nabha with seventy Horse, asking Sudh Singh Sontiwalla to fulfil his engagement or the Raja would be at liberty to coerce them. He issued a circular, too, to all the Protected Sikh States, prohibiting them from rendering any assistance if the Nabha Raja desired to chastise them. Further, an earlier petition of the Sonti Sikhs presented again in Birch's days, stated that, in obedience to orders, seventy-two Horse had been present at Nabha for a period of two months ; it was further said that these horses, according to ancient usages, attended only on the occasion of any disturbances but the Raja required them to be present in his service in the time of peace as well.<sup>2</sup> Ross, who succeeded Birch, sent for the Vakil of the Sonti Sikhs in 1821 and put some questions to him regarding the validity of their engagement to the Nabha ruler ; their replies admitted the genuineness of the engagement. Towards the close of the year Ross issued an order to the Sonti Sikhs blaming them for their failure in their allegiance to, and their attendance on, the ruler of Nabha and warned them of the consequences.<sup>3</sup> In 1822, a note was presented by Nabha that the disobedience of the Sonti Sikhs had forced the ruler to enforce certain penalties on them, as they were reluctant to meet their engagement. Ross authorised the ruler to adopt the proposed course. In March 1823, the Sonti Sikhs presented a petition to Ross in which they declared that they had promised to furnish seventy Horse in times of trouble as the Raja of

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1. Clerk to Fraser, August 3, 1833, B. N. 79, L. N. 65.

2. Clerk to Fraser, August 3, 1833, B.N. 79, L.N. 65.

3. B.N. 79, L.N. 55. Clerk observed that Ross, in issuing that order had referred to the copies of documents showing engagements, concluded between the Raja of Nabha and the Sonti Sikhs as having been filed in the agency office.

Nabha had promised to protect them from the attacks of Ranjit Singh. From that time, they had furnished seventy horsemen on occasion of any disturbance and when it was over, they returned to their homes. If they were expected to serve also in times of peace, that would be a great hardship for them. According to Clerk, the petition deserved particular attention not only with reference to the Raja's right of claiming a contingent from them, but as setting forth the other and the true grounds of complaints on the part of the Sonti Sikhs, relating to the vexatious interference of the Raja.<sup>1</sup> In 1824, the Nabha Raja again complained of the conduct of the Sonti Sikhs and Murray who was then the Agent at Ambala, ordered them to attend on the Raja according to their engagement with seventy Horse, failing which their Jagir would be confiscated. In July 1826, the ruler of Nabha addressed a note to Metcalfe and sent him certain documents dealing with the case and received the reply that they would doubtless fulfil their engagements, otherwise the prescribed penalties should be enforced. In 1827, Murray, on a representation that the Sonti Sikhs had committed disorders which were attended with loss of life, authorised the Nabha to coerce them. On the commission of further aggression, he declared that they were the subjects of Nabha and that the Ambala office had no jurisdiction over them. On another complaint the same officer ordered that the Raja should act according to the orders of Metcalfe and Ochterlony. In 1829, the Resident at Delhi admitted the right of the Nabha ruler to control these Sikhs who were described as his Tabedars, no other government having any right to interfere in their affairs.<sup>2</sup> In 1830, the Sonti Sikhs presented a petition complaining of the

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1. Clerk to Fraser, August 3, 1833, B.N. 79, L.N. 65.

2. *Ibid.* On September 25, 1827, Colebrooke, the Resident, wrote to Murray that the British Government could not interfere in the dispute between the Raja of Nabha and the Sonti and Ludran Sikhs, (B.N. 27, L.N. 235).

See also, B.N. 75, L.N. 299, January 22, 1829.



tyranny of the Nabha Raja and denying his claims to their service. Murray, therefore, proposed that both the Sonti and the Ludran Sikhs should be placed without the pale of Nabha's authority, their contingents continuing to be furnished to him, but all jurisdiction over them to be vested in the Ambala office. But the Resident, in reply, deprecated all interference with Nabha in favour of the Sonti and the Ludran Sikhs, observing that they "could not be protected by us without imposing on ourselves the duty of compelling them to fulfil their obligations to which they have subjected themselves."<sup>1</sup>

Three years later, Clerk again wrote a lengthy despatch about the Ludran and the Sonti Sikhs.<sup>2</sup> He referred to the decision of his predecessor by which these vassals of the Nabha Raja were to be placed to a certain extent out of the reach of the interference of Nabha; to this the Resident had objected.<sup>3</sup> It was then assumed that the Ludran and the Sonti Sikhs were bound by ancient allegiance and by their written deeds to serve the Nabha Raja with certain quotas of the Horse. But it should be noted, said Clerk, that these Sikhs did not admit the Raja's prescriptive right to their allegiance or the authenticity of any documents produced in support of such a right and has been complaining to him for the past three years.<sup>4</sup>

1. The leader of the Sonti Sikhs was one Sudh Singh. He was charged with creating disorder, fined and imprisoned by Nabha. But he was released at the persuasion of Clerk. (Clerk to Fraser, December 3, 1833, B. N. 79, L. N. 150).
2. Clerk to Metcalfe, August 12, 1836, B. N. 42, L. N. 136.
3. Colebrooke, the Resident, had deprecated the proposed interference when a petition was presented by Bir Singh, Budh Singh and other Sikhs of Sonti. (Clerk to Fraser, August 3, 1833, B. N. 79, L. N. 65).
4. Metcalfe observed to Clerk that Colebrooke had regarded those Sikhs as vassals of Nabha; Clerk pointed out that Fraser had set aside a decision made by the Nabha ruler in the case of disputed inheritance between the son of Ram Singh of Ludran. (The case has been discussed in an earlier chapter in the monograph).

Clerk also observed that the ruler of Nabha claimed the services of fifty Horse from the Ludran Sikhs and of seventy from the Sontia. This they were enjoined to perform by him. It was very difficult to ascertain whether that service was being performed satisfactorily or not.<sup>1</sup> Clerk was also trying to find out the precise nature of the relations subsisting between them and the Nabha Raja in 1809.

The reason of their being declared vassals had been the exhibition of certain documents by the Nabha and the application of the word "Jagirdar" to describe them. If they were vassals, then Clerk was of the opinion that any interference in their affairs would be improper. But the Nabha ruler had not claimed that degree of control over them which might make them his vassals; on the contrary, he had formally apprised the Political Agents of any neglect of service of which the Ludran Sikhs had been guilty.<sup>2</sup> Therefore it was desirous to ascertain the proper footing on which to place the parties; the written documents should have been very carefully examined for their authenticity; to Clerk it was evident that no such examination took place.

According to Clerk, the Sikh Khalsa did not contain the element of vassalage or any feudal organisation. The Sikhs professed to be committees of independent soldiers and all conquests were made by their confederacies; the Ludran and the Sonti Sikhs belonged to one of such confederacies.....the Nishanwalas.....owing

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1. Clerk to Metcalfe, August 12, 1836, B. N. 82, L. N. 136,

2. *Ibid.* Clerk remarked: ".....the Raja has not in my time, on occasion of defection following that strict course of coercion which could alone compel them indirectly to fulfil their supposed engagements...he has been cautious seeming either to be apprehensive of an interference obnoxious to his feelings as a sovereign resulting from any complaint of his violence made by those he deems his subject, or distrustful of his right to such vassalage, should their complaints cause that to be called in question."

fealty in Clerk's days to the British Government. Therefore, the ruler of Nabha could not have any right of supremacy over them. But it did not mean that they could not have been conquered by a neighbouring Chief as a period of fifty years intervened between the Sikh victory at Sirhind and the establishment of the British protectorate in 1809.

The first occasion, after the battle of Sirhind, when the Ludran and the Sonti Sikhs appeared in the field, was in a boundary dispute between Patiala and one of the Sikh Chiefs of Ambala. The former were helped by the forces of Nabha and Jind; the latter by the "Nishanwala" Misal; the Ludran and the Sonti Sikhs fought on the side of Ambala, and helped to raise its siege. So their position was independent. That was in 1780, The Ludran Sikhs did not engage in any opposition to Nabha subsequent to 1780. About this time one of the Ludran Chiefs gave his daughter to the Nabha Chief. Since then, they were the allies of Nabha, aiding them but also demanding aid from that state whenever they needed it. As regards the Sonti Sikhs, they opposed Nabha on various occasions, as the records of the Agency office showed. Thus the relations between Nabha and the Sontis were different from those of Nabha with the Ludran Sikhs.<sup>1</sup>

Clerk then went on to say that he had obtained the evidence of the zamindars, talked with the agents of Nabha and other Chiefs and had also carefully examined the documents produced by the Nabha Vakils and had come to the conclusion that there was nothing in them to invalidate the claims of the Ludran and the Sonti Sikhs.<sup>2</sup> The documents had been declared to be

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1. Clerk to Metcalfe, August 12, 1836, B. N. 82 L. N. 136,

2. *Ibid*,

forgeries by the Sonti Sikhs. It was remarkable, commented Clerk, that all orders issued by the British authorities to the Ludran and the Sonti Sikhs, requiring their obedience to Nabha, were in possession of the Nabha Agents. In this way, the Nabha Raja had continued, with the assistance of British authorities, to usurp and exercise over them the right of a feudal lord. In his relations with the Sonti Sikhs, who were his co-parceners, he had been allowed to assume the same degree of supremacy.<sup>1</sup>

Writing on May 21, 1837,<sup>2</sup> again about them, Clerk observed that the Raja of Nabha was feeling dissatisfied with his decision. At first, as Clerk explained, he was in favour of the control of the Raja, as long as he believed that the ruler was trying to win them over. That was why he had tried to reconcile the two parties. But the position had changed; the Nabha ruler was not trying to conciliate them while the Ludran and the Sonti Sikhs were protesting against their connection with Nabha.<sup>3</sup> Under these circumstances, Clerk remarked that he had no alternative but to reject the Raja's claim for supremacy.

1. The Sontis and Nabha held in joint tenancy thirty-six villages.

2. Clerk to Metcalfe, May 21, 1837, B. N. 83, L. N. 22.

3. One of the Ludran Sardars, Raja Singh, presented a petition, in which he declared that he had nothing to do with Nabha and that in 1809, his father was declared an independent Chief. He alleged that the Nabha ruler prepared a forged document and sent it to Ochterlony who accepted it. He also pointed out that Clerk had held the paper presented by Nabha to be doubtful and consequently had recognised his independence; the Sardar further averred that he was equal in rank to Chiefs like Mohar Singh and Gurbaksh Singh and was himself a Nishanwala Sardar. Raja Singh requested Government to instruct the Nabha Chief to refrain from bringing forward any forged paper.

(B.N. 37, p. 426—34, December 1837).



The attitude of the Supreme Government was defined in two letters from Metcalfe to Clerk. In the first letter, Metcalfe referred Clerk to the letter of the Secretary at Agra, in which it was pointed out that the Lieutenant-Governor was of the opinion that the agreements entered into between the parties must be maintained on both sides.' In the second letter, Metcalfe quoted

*(Continued from page 260)*

It seemed that this petition did not produce any great effect, for Hamilton wrote to Metcalfe: "His Honour requests it may be ascertained what evidence may be adduced by the petitioner to prove that the engagements recorded are false and not genuine". According to him, these engagements "appear to have been considered correct and true but His Honour is desirous that any doubt on the subject may be removed because if they are true, it will be proper that they are adhered to and enforced."

*(Ibid. p. 425, December 9, 1837).*

Metcalfe thus observed to Clerk: "I ....transmit these documents for the purpose of ascertaining your opinion as to the authenticity of the engagements alluded to by Mr. Hamilton. Of their genuineness, I have myself no doubt from the facts recorded ..... but as it is to be hoped that the further report now called or will lead to a final settlement of this long pending question, it is but just towards the discontented party that they should have the benefit of your opinion, should it prove to be at variance with mine and equally due to the Raja of Nabha that the terms of the engagements should be enforced if they were fairly and voluntarily executed".

*(B.N. 37, L.N. 118, December 20, 1837).*

Unfortunately, Raja Singh did not enjoy a good reputation for veracity and so nothing seemed to have come out of it. However, the Supreme Government did lay down certain principles to guide the relations of the Nabha Chief with the Sonti and the Ludran Sikhs, and in this way indirectly benefitted Raja Singh.

1. Metcalfe to Clerk, July 31, 1837, B.N.37, L.N.67.

Secretary Agra Government to Metcalfe, July 49, 1837, B.N. 37, p. 219.

from the letter of the Secretary to the Supreme Government, in which it was stated that the Ludran and the Sonti Sikhs appeared ready to consent to feudal service on occasions like births, deaths, marriages, war, etc., and that the Nabha Raja had no right to more.<sup>1</sup> In this way, Nabha's supremacy over them was severely restricted.

1. Metcalfe to Clerk, September 8, 1838, B.N. 38, L.N. 57.

Macnaghten to Metcalfe, August 26, 1838, B.N. 38, p. 273.

Lord Auckland addressed a letter to that effect to the Raja of Nabha. His Lordship remarked: "The Chiefs of Sonti and Ludran appear ready enough to do the service you require by sending a certain number of mounted followers to you upon certain special occasions: 1st, the birth of a son to Nabha, 2nd the marriage of a son or daughter of Nabha, 3rd, the death of the reigning Raja, 4th, war.... and I do not think it advisable that they may be called upon for more than this; and I am convinced that you will feel satisfied with an opinion thus expressed after much inquiry and deliberation by me and with this admission of your dignity and power.

The question is, therefore, set at rest and no further representation, in any way connected with the subject, will be attended to". (B.N 38, p. 274).

The orders of the Governor-General were approved by the Court of Directors, which observed: "The engagement on the part of these Sikhs to render military service to the Raja of Nabha ought undoubtedly to be interpreted with reference to the usages and feelings of the Sikh tribes and the actual relation which can be shown to have existed between the parties at the time when the British Government by recognising the obligation precluded any successful attempts to shake it off. On this principle, we think the Governor-General acted correctly on which the Sonti and Ludran Sikhs were to render the service required of them ....."

Thomason to Clerk, June 1, 1840, B.N. 196, L.N. 118, and Extract (para 32) from a despatch of the Court of Directors, dated March 12, No. 10 of 1840.

## (8) Disputes between Jind and Balawali Sikhs.

On March 20, 1836,<sup>1</sup> Clerk reported to Metcalfe the revolt of the Balawali Sikhs and their attack on Mr. Edgeworth and his escort. Giving a few particulars about these Sikhs, Clerk observed that the zamindars of Balawali were a wild people who under the rule of Jind did what they liked not only in regard to paying revenue but in all other matters. The Taaluq of Balawali, comprising ten villages, was situated about one hundred miles westward of Ambala and seventy miles from Ludhiana.

This revolt was the first manifestation of disaffection, since the time they had been brought under the control of the British;<sup>2</sup> it was also the first time that they were called upon to pay revenue. They had preferred a prescriptive right to a very light assessment and, according to Clerk, it had been very light-in fact, much lighter than in all the other Parganas of Jind. Moreover, their request to pay as hitherto in kind had also been complied with. They had no excuse to attack Edgeworth....an attack, described by Clerk, as "most wanton and quite in the spirit of an

1. Clerk to Metcalfe, March 20, 1836, B.N. 82, L.N. 38.

Edgeworth was one of the British officials appointed to administer Jind till the question of succession was settled. He wanted that some compensation ought to be paid to him for the plunder of his property at the hands of the rebels but his claim was rejected by the Court of Directors. (Metcalfe to Clerk, February 22, 1839, B.N. 39, L.N. 7—Extract from L.N. 65 of 1838, November 21, 1838). Clerk had desired that the compensation ought to be paid.

See, B.N. 82, L.L.N. 86 and 88, and B.N. 38, L.N. 44.

Also, Bushby to Metcalfe, May 21, 1836, B.N. 36, p. 154.

2. Clerk to Metcalfe, March 20, 1836, B.N. 82, L.N. 38.

The Balawalis had rebelled in 1815 also; they were then supporting Kanwar Partab Singh, son of Raja Bhag Singh of Jind. Ochterlony marched to Balawali and suppressed the insurrection.

(Ochterlony to Metcalfe, September 30, 1814, B.N. 61, L.N. 119).

untamed people".<sup>1</sup> The suspicion of Clerk was that the zamindars of Balawali had been instigated to commit the outrage by the Akalis resorting to the fair at Gurusar, a holy place and distant only a few miles from Balawali.

On March 21, 1836,<sup>2</sup> Clerk wrote that all the servants of the Thanas of Balawali and the escort of Edgeworth had been released by the rebels who retained possession of the fort and village; they were said to have been joined by some matchlockmen on behalf of Rani Sahib Kunwar of Jind.<sup>3</sup>

Acknowledging both the letters, Metcalfe remarked that Brigadier General Duncan, commanding the Sirhind Division, had been asked to send such forces as might seem necessary to effect the reduction of the fort.<sup>4</sup>

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1. Clerk to Metcalfe, March 20, 1836, B.N. 82, L.N. 38.
  2. Clerk to Metcalfe, B.N. 82, L.N. 40.
  3. Clerk was of the opinion that the deputies of Sahib Kunwar, who were at Delhi, should be dismissed from there until satisfaction be made or taken for the outrage.
  4. Metcalfe to Clerk, March 23, 1836, B.N. 36, L.N. 21.  
Secretary, Agra Government to Metcalfe, April 30, 1836, B.N. 36, p. 127-28.  
Metcalfe to Clerk, May 7, 1836, B.N. 36, L.N. 36.

Metcalfe forwarded a letter from Wade at Ludhiana to the Supreme Government in which that officer had urged upon the Government to call upon the native states of Patiala, Nabha, etc. to subdue the insurgents. (B.N. 36, p. 98). Wade's arguments were that Balawali was situated on the borders of a desert and was surrounded by turbulent people who would raise the peasantry; there was also the risk of a collision with the Lahore authorities. (B.N. 36, L.N. 23, March 26, 1836).

So Metcalfe wrote to Clerk that if he agreed with Wade, he might communicate with Duncan to stay the march of the troops. (B.N. 36, L.N. 24, March 29, 1836). Clerk, however, expressed himself definitely against the use

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Replying on march 30, 1836, Clerk observed that Brigadier-General Duncan had already been requested to cause troops to be marched for the suppression of the insurrection.<sup>1</sup>

Reporting again about the insurrection, Clerk wrote that the number of rebels had not increased; out of ten villages, seven had refused to join.<sup>2</sup> The Maharajkians had stood aloof; the Chiefs also had not given any support to the rebels. There were about two hundred and fifty insurgents, led by Gulab Singh Gill, a zamindar of Balawali and formerly a Rissaldar in Jind service. He further reported that the fort and town had been evacuated by the rebels on the 6th April, a few hours before the arrival of the British detachment.<sup>3</sup> They appeared to have retired to Muktsar, a holy place belonging to Maharaja Ranjit Singh and from there crossed into his territory.

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*(Continued from page 264)*

of Sikh troops alone. He said that the turbulent people should be made to feel the British authority; there was no risk of any clash with the subjects of the Lahore Government would be anxious to avert a catastrophe of this nature (B.N. 82, L.N. 52).

The forces used were a detachment of Skinner's Horse and the troops of Begam Samru. The expense incurred was about Rs 2300 which was charged to the Jind revenues. (B.N. 83, L.N. 11, March 27, 1837).

Edgeworth was prepared to proceed to Balawali himself to suppress the revolt, if given enough support; (B.N. 82, L.N. 38).

Also see, Metcalfe to Clerk, March 26, 1837, B.N. 37, L.N. 33.

1. Clerk to Metcalfe, B.N. 82, L.N. 52. Abundant supplies for troops had been collected by Clerk at Sangrur; the Chiefs of Patiala, Nabha and Malod had also promised to supply whatever the British troops needed.
2. Clerk to Metcalfe, March 31, 1836, B.N. 82, L.N. 53.
3. Clerk to Metcalfe, April 7, 1836, B.N. 82, L.N. 56.

Clerk, a week after, informed Metcalfe that Gulab Singh Gill had been killed in attempting to force a passage across the Sutlej.<sup>1</sup> About eight rebels who were with him were secured as also about forty more, among whom were several leaders; all were being sent to Ambala.<sup>2</sup>

Clerk himself had gone to Balawali; before leaving that place, he asked Colonel Skinner to send a party of his Horse to be stationed there; until they arrived, he had arranged for forty Horsemen of the Sikh contingent and thirty Barkandazes to remain there. In response to his appeal many Chiefs had sent their contingents and about one thousand men in all had joined the Political Agent; they were also being dismissed.<sup>3</sup>

With regard to the management of the Balawali<sup>4</sup> Qasba and two of its dependent villages, a new arrangement was necessary as the people of those places were implicated in the outbreak.<sup>5</sup>

1. Clerk to Metcalfe, April 14, 1836, B.N. 82, L.N. 62.

Many of the insurgents were able to cross the Sutlej and escape. Wade informed the Supreme Government of the capture of Gulab Singh's followers by the Mamdot zamindars (B.N. 142, L.N. 19). Macnaghten replied that it would be inexpedient to demand their surrender. (B.N. 118, L.N. 72).

2. Among the leaders captured, Clerk mentioned Lukha Singh, Doura Kowra, Desu Singh, Sudh Singh and Gulab Singh — Desu Singh stabbed himself to death (B.N. 82, L.N. 85); Mai Sub Rai of Jind was also implicated.
3. Clerk to Metcalfe, April 14, 1836, B.N. 82, L.N. 62.

Clerk paid a special tribute to the Pathan Chiefs of Malerkotla who "evinced as usual the utmost promptitude and zeal in supporting the cause of the British Government". He expressed himself against the withdrawal of the 1st Local Horse from Balawali, until the question of Jind succession was settled. (B.N. 82, L.N. 126)

4. Clerk reported that the fort of Balawali was being dismantled; the merchants and other peaceable classes were returning to the town.
5. There were four sections of the Qasba; one section remained loyal, sheltered some of the Government servants and did not join in the outrage of March 17.

But a fixed settlement was improbable as in all the Parganas of Jind, the agricultural classes were being distracted by rumours being daily spread among them of the probable success of some one or another of the numerous claimants to the Jind Chiefship.<sup>1</sup> The arrangements proposed by Clerk were approved by Metcalfe who considered them judicious and recommended them for the sanction of the superior authority.<sup>2</sup>

In a letter of May 9, 1836, Clerk threw more light on the Balawali insurrection<sup>3</sup> and discussed the causes of the rebellion. The most important causes, according to him was "the inherent contumacy of the Balawali Jats"; they were helped by the disbanded horsemen of Jind State, who resided in Balawali or neighbouring villages. As already stated, the leader of the revolt was Gulab Singh Gill, formerly a Rissaldar in the Jind service: the small parties of horsemen which joined him were composed of Sawars, once employed in Jind. These horsemen had taken a principal part in the revolt. There was also Mai Sub Rai a widow of Kunwar Partab Singh of Jind, whose motives the Political Agent could not understand.<sup>4</sup>

1. Clerk to Metcalfe, April 14, 1836, B.N. 82, L.N. 62.

2. Metcalfe to Clerk, April 19, 1836, B.N. 36, L.N. 31.

Metcalfe to Clerk, May, 7, 1836, B.N. 36, L.N. 36.

3. Clerk to Metcalfe, May 9, 1836 B.N. 82, L.N. 85.

Clerk sent 27 persons, implicated in the rebellion, to stand their trial at Panipat before Metcalfe.

Also see, Metcalfe to Clerk, May 19, 1836, B.N. 36, L.N. 39.

4. Clerk to Metcalfe, May 9, 1836, B.N. 82, L.N. 85.

Clerk was under the impression that she had been influenced by her brother Dal Singh, a friend of Gulab Singh Gill, who took an active part in the seizure of the fort and Thana of Balawali on the night of March 17. She fled with Gulab Singh Gill and was with him when he was killed; she was apprehended with others in the dominions of Maharaja Njit Singh. her subsequent fate is unknown.

An extensive search was being made for the recovery of the plundered property; the greater part of it had been taken away to the neighbouring villages, belonging to other states and the local officials, acting under the instructions of their Chiefs, were showing the greatest alacrity in aiding the search. Through their efforts, a considerable portion of the loot had been recovered.<sup>1</sup>

There were three Bhaichak villages on where most of the plundered property had been recovered; many prisoners were inhabitants of these villages; the zamindars appeared to be in league with the party of Gulab Singh and had connived at the acts of the insurgents. They owned no Chief, the proprietorial right of the villages was shared among several Bhais, including the Bhai of Kaithal, Clerk was of the view that Bhai Udai Singh of Kaithal should be allowed to exercise authority in the Bhai-Chak villages.<sup>2</sup>

Clerk assured Metcalfe that no state had offered any help to the Balawali rebels. The Maharajkian; Sikhs had absolutely no

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1. Clerk to Metcalfe, May 9, 1836, B.N. 82, L.N. 85.
  2. Clerk to Metcalfe, May 9, 1836, B.N. 82, L.N. 85.

Bhai of Kaithal had written to Clerk that he was prepared to march with his troops to punish the Bhaichak villagers; he also promised to restrain them in future which he could easily do as he had a Thana at Buchu, at a distance of a few miles from the Bhaichak villages.

Clerk added, "..... the proposed introduction of Bhai Udai Singh's authority would ..... be the most proper and most efficient mode of keeping them in check for the future"

Government agreed with Clerk's view, but also added that, in case adequate revenue could be derived from them, they might be taken over by itself. It is not known what the final arrangement was.

See, Metcalfe to Clerk, June 27, 1836, B.N. 36, L.N. 51.

Bushby to Metcalfe, June 11, 1836, B.N. 6, p. 182.



hand in the insurrection;<sup>2</sup> they abstained from giving any assistance to Gulab Singh, even after he had seized the fort and town of Balawali. But he accused Mai Sahib Kunwar of fomenting the trouble. When Clerk was on a visit to Jind, he had urged on her the propriety of her allowing him to pay all her troops, many of whom were in arrears. But she had not agreed. It had seemed to Clerk unsafe that the troops, after being disbanded, should be allowed to remain in the state. At last she had dismissed them from Jind, retaining them, however, nominally in her pay. Clerk could not allow even this. She then, by the advice of the agents of Patiala and Nabha, sent them into the territories of those states. Some of them returned to their homes in Bhaichak villages and the vicinity of Balawali,<sup>1</sup> and took an active part in the insurrection.

The insurrection might have been widespread but for the skill and efficiency of British troops. The rebels had no idea that they would undertake operations at the advent of the hot weather; also, the rebels had felt encouraged by the example of the rebellion of Kunwar Partab Singh when the fort of Balawali was able to hold out for months against the troops of Patiala, Nabha and Jind. Clerk concluded thus: ".....these were the circumstances which, I believe, led the rebels to possess themselves of the fort in the

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2. Clerk remarked: ".....of ungoverned habits, a fighting people and closely connected by inter-marriages with the Balawali zamindars, it was difficult for the Maharajkian Sikhs to refuse the call made on them for assistance.....Nevertheless they do not appear to have any hand in exciting the rebellion. Nor is there evidence of any of them having been present during the insurrection". That shows the value of constructive work being done by Clerk, as far as the Maharajkians were concerned. See also, B N. 82, L. N. 38.

1. According to Clerk, Mai Sahib Kaur kept the Sawars on with promises of recovering the Chiefship....." a prospect which had excited these idle Sawars and unbinged the minds of the agricultural classes".

fullest confidence they would be there enabled to maintain their position long enough to give encouragement to all turbulent classes on the Western side and to allow of their concerting at leisure as extensive a disturbance as their hitherto unrestricted dispositions could desire".<sup>1</sup>

But this scheme could not succeed in face of Clerk's energetic measures.<sup>2</sup>

**(7) Disputes between Nawab Ghulam Mohy-ud-din Khan and Sardar Nihal Singh Co-parceners in Indri.**

A very important dispute was that between the Sikh and the Mohammadan co-parceners in Indri; the former was represented by Nihal Singh,<sup>3</sup> and the latter by Ghulam Mohy-ud-din Khan of Kunjpura.<sup>4</sup>

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1. Clerk to Metcalfe- May 9, 1836, B N. 32, L.N. 85.
  2. Balawali was given to Sarup Singh, when his claim to Jind Chiefship was recognised.
  3. He represented himself to have a fourth share in Indri. (B.N. 27, L.N. 82, March 26, 1827). He was the brother of Sudh Singh, the biggest Sikh proprietor.
  4. The dispute between the Sikh and Mohammadan co-parceners was a very old one, coming from the times of Birch who decided that Indri should be divided into separate administrative units, each Chief being allowed jurisdiction in his own portion of the town. (B.N. 62, L.N. 164, January 21, 1818, and B.N. 64, L.N. 26 and 189, August 26, 1818, and August 4, 1819). (See also, B.N. 21, L.N. 10, January 22, 1820).

Ghulam Mohy-ud-din Khan did not like the authority which was claimed and exercised by Sudh Singh, Dan Singh, and other Sikh Sardars in the town. (B.N. 67, L.N. 41, December 10, 1818). In 1818, Chaudhri Dalmer Singh, the head zamindar of Indri, withheld from Sudh Singh and other share holders

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various claims, at the instigation of Ghulam Mohy-ud-din Khan and gave further cause of annoyance, the Chaudhri was murdered and Sudh Singh was accused of complicity in the murder. Birch recommended a fine of Rs. 2000. Ross in 1822 confiscated the share of Sudh Singh (B.N. 22, L.N. 9, February 12, 1822), which was given to the Nawab who had to pay an annual tribute to Government (B.N. 69, L.N. 98, May 2 1821 . . . B.N. 70, L.N. 13, May 29, 1821, . . . and B.N. 70, L.N. 109, March 10, 1825).

In the time of Murray, Nihal Singh petitioned Government for the return of his brother's forfeited share (B.N. 27, L.N. 115, April 23, 1827). Murray recommended that the confiscated share of Sudh Singh should be restored to Nihal Singh (B.N. 74, L.N. 105, July 25, 1827). Colebrooke, the Resident, enquired of Murray what portion of Indri should be restored to the mother and brothers of Sudh Singh (B.N. 27, L.N. 211, August 31, 1827). Later he asked Murray to submit a full report on Indri case (B.N. 28, L.N. 17, February 21, 1828). Murray strongly expressed himself in favour of restoring the share of Sudh Singh, "who had lately died, to his family, as it was held in common by his brothers and mother.....a fact which was overlooked at the time of confiscation (B.N. 75, L.N. 22, February 24, 1828). On September 30, 1828, the Resident issued orders that the confiscated share of Sudh Singh should be restored to his relatives and that arbitrators should be appointed with a view to dividing the town equally between the Sikh and Mohammadan co-parceners (B.N. 28, L.N. 248). But the confiscated share was held by Ghulam Mohy-ud-din Khan, who refused to part with it. (B.N. 28, L.N. 82, and 83, April 15 and 16, 1828). Murray remarked: "The conduct of Ghulam Mohy-ud-din Khan in practising vexatious endeavours to evade the commands of Government in the evacuation of place committed only to his trust is very characteristic of his attention to all requests which emanate from the local authorities who have held charge of this office (B.N. 75, L.N. 229, October 23, 1828). On October 27 Colebrooke ordered that the confiscated share of Sudh Singh should be delivered at once by Ghulam Mohy-ud-din Khan (B.N. 28, L.N. 285). On December 29, 1828, Murray reported that Ghulam Mohy-ud-din Khan continued adamant and was maintaining his armed followers in many of the co-parcenary villages (B.N. 72, L.N. 255). Writing again, Murray pointed out that both the co-parceners possessed equal rights and privileges and recommended that Indri should revert to the arrangements prior to the attachment of Sudh Singh's share (B.N. 75, L.N. 248, January 11, 1829).

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On October 11, 1831,<sup>1</sup> Martin, the Resident at Delhi, asked Clerk to report on the representation made by Ghulam Mohy-ud-din Khan regarding the affairs at Indri and the question at issue between the contending parties. Clerk gave a comprehensive reply on June 12 1832.<sup>2</sup> He wrote that the differences existing between the two parties were responsible for mal-administration in Indri and showed the insufficiency of the modes devised upto then for the better determining of the relative rights of the parties.

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Throughout the quarrel, Ghulam Mohy-ud-din Khan had played a very sinister part. Writing on July 25, 1827, Murray said that the Nawab had been plundering Indri which had become quite desolate, since the time he came into the possession of Sudh Singh's share; he recommended an equal division which was the only means of restoring tranquillity and observed: "To throw the power into the hands of one to the exclusion of the other would give dis-satisfaction and be.....a violation of the proclamation issued in 1809" (B.N. 75. L.N. 125). Again he expressed himself against Ghulam Mohy-ud-din Khan who by his offensive and cruel exaction had proved himself unworthy of any consideration and was not to be entrusted "with the responsibility of a control which he antecedently never possessed and which can only be vested in him to the annihilation of all the ancestral and acknowledged rights and privileges held by his un-offending co-sharers in common with himself". He again recommended an equal division of the lands attached to Indri and its villages, fines, etc. were to be determined by the Nawab and the Sikhs in concert or by their officers. Murray acknowledged that the proposed settlement would not meet the selfish views of Ghulam Mohy-ud-din Khan and that nothing short of unchecked power and the liberty of trampling on the Sikhs and of paying them what and when he pleases, would afford him the satisfaction he has been seeking of grading them to resistance and eventual ejection from Indri.

The words proved prophetic, as we would see.

1. Martin to Clerk, October 11, 1831, B.N. 31, L.N. 78.

2. Clerk to Fraser, June 12, 1832, B.N. 78, L.N. 32.

Fraser was the Agent to the Governor-General in place of Martin since

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According to Clerk, the administration of Ghulam Mohy-ud-din Khan was full of abuses as a result of which the people of Indri were groaning under his rule; the Sikh co-parceners were accusing the Nawab of causing suffering to the people of the town. Clerk said that he had been making earnest efforts to effect some sort of amicable arrangement between the two. The Nawab also possessed Biana, a considerable village, in the revenues of which the Sikhs of Thanesar were co-sharers; Clerk thought that it might afford the means of separating these discordant interests, could the Sikhs be induced to [relinquish their share of Indri for the possession of Biana. The Sikh would not have much objection to the above proposal but Clerk could not prevail on the Nawab to enter earnestly on any plan of accommodation that did not carry his supremacy over his Sikh co-parceners.<sup>1</sup>

Clerk paid a tribute to the Sikh co-parceners for their utmost forbearance under the indignities daily put upon them by the Nawab's indulging his vindictive feelings and great moderation in their views for avoiding further collision with him. He further observed that such conduct seemed to enhance their claim to relief by Government to whose peaceable injunctions they had, notwithstanding the signal provocation to which they had been subjected, evinced such praiseworthy deference.<sup>2</sup> For the past three years, as Clerk pointed out, Mohy-ud-din Khan had declined to partake in the collection

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March 10, 1832. (B.N. 32, L.N. 12, and 13). He was a friend of Ghulam Mohy-ud-din Khan and always anxious to placate him. This desire led him to do many questionable things.

1. Clerk to Fraser, June 12, 1832, B.N. 78, L.N. 32.

2. *Ibid.*

of Indri in the manner prescribed by Murray and a Chaprasi of the Agency had to be sent to witness the due division of the produce. He always pleaded his ancestral rights of superiority and regarded with feelings of jealousy the interest of the Sikhs in Indri.<sup>1</sup> To Clerk, it appeared unaccountable that the Nawab should consider the relinquishment of Biana too high a price to pay for the exclusive possession of Indri, moreso, when the revenues which he derived from the former tallied so nearly with those realized by the Sikhs from the latter. Clerk ascribed it to his "sour" disposition which did not admit of his viewing this subject in any other temper than that of the deepest enmity towards his Sikh co-parceners.<sup>2</sup>

Fraser sent his reply on November 24, 1832.<sup>3</sup> He observed "In the Indri case, it appears to me essential to justice that you should proceed to that place and take the deposition on oath of as many of the oldest and most respectable inhabitants as are likely to state what they know in regard to the matters of dispute, viz, the exercise of civil, criminal and fiscal authority in the town over the inhabitants and lands.....since the introduction of the

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1. Frasers in a demi-official letter suggested an exchange of territory between the two, otherwise the only alternative was to find out the status of both the parties from 1809 to the times of Sudh Singh, (Also see B.N. 32, L.N. 39.)
  2. Mohy-ud-din Khan was even on bad terms with the Sikhs of Thanesar and once made an unprovoked attack on them. As Clerk subsequently observed to Metcalfe that such doings of the Nawab would correct the impression of his moderation. (B.N. 83, L.N. 38, August 30, 1837).
  3. Fraser to Clerk, B.N. 32, L.N. 109,

Sikhs down to Sudh Singh's expulsion".<sup>1</sup> Further, he instructed Clerk to execute the investigation, without the knowledge of the parties so that the persons to be examined should not be schooled or bribed by them. The greater number of credible persons he could get ... both Mohammadans and Sikhs ... the better it would be. Clerk was to take evidence without letting it be bruited abroad why the people were being summoned. Finally, Fraser wrote that he had taken care not to hint communications of these instructions to Ghulam Mohy-ud-din Khan.

Acting under these instructions, Clerk paid a surprise visit to Indri, accompanied by a few horsemen of the Skinner's<sup>2</sup> Horse. He examined some people of Indri, picked up at random and also took the evidence of three or four oldest inhabitants. But Clerk was of the view that the evidence of the latter was not so weighty as that of the former as he did not come upon them so unawares as he did on the other. He also went on to say that the conduct of Ghulam Mohy-ud-din Khan was not so unexceptionable as the manner of conducting the inquiry. Somehow or other, he had an inkling of the visit of Clerk. It appeared that the Nawab's deputy at Ambala learnt from Delhi that Clerk was being directed to make inquiries in the case by making a personal visit to Indri, inspite of the fact that Fraser had tried to keep his instructions to Clerk very confidential. The Vakil at once informed his master who sent an order to his Thanedar at Biana to proceed to Indri.<sup>3</sup> The Thanedar of Biana went to Indri and with the help of the Mussal-

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1. Fraser to Clerk, B.N. 32, L.N. 109.

Sudh Singh had been expelled from Indri in May, 1821, for his share in the murder of Dalmer Singh.  
(B.N. 21, L.N. 118, May 31, 18 1).

2. Clerk to Fraser, November 30, 1832, B.N. 78, L.N. 80

3. Clerk to Fraser, November 30 1832, B.N. 78, L.N. 80.

man Thanedar there assembled all the principal inhabitants and chowdhris in the Nawab's fort, in anticipation of the coming investigation. Murad Ali, the Thanedar of Biana, reached Indri just as Clerk was leaving; it was he who unconsciously and unknowingly betrayed his master. Murad Ali told Clerk that the Nawab had directed him to show his horse. Naturally, the Political Agent was astonished; he asked the Thanedar if his visit to Indri had been expected; at once many people shouted that Murad Ali had two days previously summoned all the principal people and had them shut up in the fort and that the Chaprasi of the Agency, on hearing what was going on in the fort, had gone there and interrupted them. When Clerk interrogated the Chaprasi, he confirmed the account. Clerk strongly condemned this type of action of the Nawab's servants, thought it had failed to hoodwink him.<sup>1</sup> He further remarked on "the craft, duplicity and severity" of the Nawab's servants which had been the cause that an investigation could not be held in Indri before. The Nawab or his officials must have been afraid of losing their case by the elucidation of some doubtful point in the long pending dispute.

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1. In this connection, Clerk remarked: "I am very unwilling to believe that the Nawab could either have suggested or have sanctioned the employment by his servants of such means for the purpose of neutralizing the precaution enjoined by you and so strictly observed by me. The object, which was the ability to pronounce and decide, with rigid justice relative to the claims of the parties, by means of oral evidence to be drawn from the least questionable and purest sources, while the tendency and aim of the measures, with which it was attempted to baffle your determination to obtain such testimony deserved to be stigmatised with the worst of terms. That these measures failed in a great degree was perhaps attributable to my observing that the same individuals were repeatedly thrust under my notice and that sepoys endeavoured to keep in advance of me".

It is very difficult to believe that Ghulam Mohy-ud-din Khan had no hand in this nefarious scheme to deceive Clerk. He was quite unscrupulous and capable of playing such a trick.



The Sikhs of Indri had tried to show that to the close of Such Singh's time, the executive was conducted by the meeting of the Mussalman and Sikh authorities on all occasions but Clerk added that he could not elicit any evidence in its support with the exception of a solitary instance.<sup>1</sup>

Fraser now decided to take a decisive step to settle the question. Writing on September 29, 1833, Clerk acknowledged the receipt of the order of Fraser requiring the expulsion of the Sikh co-parceners from Indri and in conformity with the instructions, he directed the Sikhs to leave Indri at once.<sup>2</sup> He also received a communication from Nihal Singh; the Sikhs wanted to appeal against the order of ejection to the Governor-General at Calcutta and demanded a passport for the purpose. They told Clerk that they were expecting such an order, as Ghulam Mohy-ud-din Khan, after having deprived them of their jurisdiction, would not rest until he had driven them out of Indri. Clerk did not give the passport and advised them to appeal to Fraser; any other course he declared to be futile.

Explaining his position, in a letter dated October 28, 1833, respecting the requisition issued by him to the Indri Sikhs, Clerk

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1. Clerk to Fraser, November 30, 1832, B.N. 78, L.N. 80.
  2. Clerk to Fraser, B.N. 79, L.N. 87. The order of expulsion issued by Fraser seems to be rather inexplicable. Clerk had spoken very highly of the moderation of the Sikh co-parceners. Ghulam Mohy-ud-din Khan's administration was not satisfactory and he had tried to throw dust in the eyes of Clerk when he went to make inquiries at Indri. There must have been some other cause; it was asserted by Nihal Singh in his petition that Fraser and Ghulam Mohy-ud-din Khan were friends and that the former was trying to help him to assume an independent jurisdiction in Indri (B.N. 35, L.N. 89). That seems to be the only plausible explanation of Fraser's utterly indefensible action.

said that the mistake in the wording of the order issued by him was due to misconception of the intentions of Ghulam Mohy-ud-din Khan ; he also supposed that the instructions of Fraser were founded on the Nawab's application.<sup>1</sup> He added that the condition limiting the exclusion of the Sikhs from Indri, until their angry feelings subsided, might in fact be considered as excluding them for ever. Viewed in this light, the interpretation that Clerk had put upon the order of Fraser could seem to be very appropriate. However, he added that he was substituting another order which he would communicate to the Sikhs, only after its approval by him.

On December 24, 1833, Clerk acknowledged the receipt of Fraser's letter, along with the copy of a letter of Ghulam Mohy-ud-din Khan to Fraser, complaining that the Sikhs at Indri had not left the place as yet.<sup>2</sup> In explaining his position, Clerk said that he had written a letter to the Indri Sikhs desiring them to quit the place. They had not complied with his injunction, not as Ghulam Mohy-ud-din Khan alleged, because he was to blame, but because of their recalcitrant attitude. He had once again directed them to leave Indri but they had refused to leave the place. He had not as yet adopted any coercive measure which he would do when he received specific instructions from Fraser.

Fraser wrote two letters on January 3, 1834. In the first letter, he directed Clerk, if the Nawab so desired, to place one of his men at Indri to see that the orders passed by him were

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1. Clerk to Fraser, B.N. 79, L.N. 122.

Fraser had accused Clerk of issuing a wrong order to the Indri Sikhs.

2. Clerk to Fraser, B.N. 79, L.N. 168.

not infringed by the Sikhs.<sup>1</sup> In the second letter, he instructed Clerk to divide the grain lying in the store at Indri, as also the money lying with the bankers or the shop-keepers and give to Ghulam Mohy-ud din Khan his share, whether the Sikhs agreed to accept their share or not.<sup>2</sup> Clerk offered to divide the grain between the two but the Nawab objected to the arrangement and so he had to give directions for its sale.<sup>3</sup> Writing again on March 16, 1834, Clerk pointed<sup>4</sup> that in view of the instructions of Government having invested the Nawab with exclusive jurisdiction at Indri, the best thing would be to ask the Nawab to coerce the Sikhs and thus enforce their removal from that place.

Fraser explained the stand he had taken in regard to the Sikhs of Indri. Writing to Clerk on March 21,<sup>5</sup> 1834, Fraser said that no orders of his had directed the removal of the long resident Sikhs; what he wanted was that the Sikhs, who had their homes and families in other villages, should not be allowed to frequent the town or visit it in armed parties as they were in the habit of doing. But that was not what the Nawab understood by the orders of Fraser. On May 12, 1834,<sup>6</sup> Clerk transmitted an application from the Vakil of Ghulam Mohy-ud-din Khan which

Fraser to Clerk, B.N. 34, L.N. 2.

Fraser to Clerk, B.N. 34, L.N. 3.

It is no wonder that Fraser was suspected of unduly favouring Ghulam Mohy-ud-din Khan.

3. Clerk to Fraser, March 3, 1834, B.N. 80, L.N. 17.

4. Clerk to Fraser, March 16, 1834, B.N. 80, L.N. 24.

5. Fraser to Clerk, B.N. 34, L.N. 25.

6. Clerk to Fraser, B.N. 80, L.N. 60.

seemed to represent his master's expectation on this subject to be nothing short of their expulsion and added that he wanted to be furnished with specific instructions of March 21, 1834.<sup>1</sup> The parties of armed Sikhs, the former co-parceners or their servants, should not be allowed to visit Indri so that the peace of the town might not be endangered but those Sikhs, who had uninterruptedly resided there, should not be molested in any way.

On October 25, 1834<sup>2</sup>, Clerk again wrote that the differences of the two co-parceners in Indri were being continually referred to him; he was also sending to Fraser a copy of a complaint received from the agent of Nihal Singh which showed that there was still a possibility of a collision between the two factions. He further wrote that the British Government had succeeded to a share in the management of Indri by the death without heirs of the widow of Chula Singh that would give the Government a chance "to sanction that degree of protection generally of the rights of the people, as may relieve them from the misery to which they have so long been subjected through the contention of their Sikhs and Mohammadan rulers".

It was on October 28, 1834, that Fraser once again wrote on the subject of Indri.<sup>3</sup> He said that from the petition of Nihal Singh it was clear that the Sikhs were the aggressor. They had cut the grass and were imprisoned by the servants of the Nawab; they had a right to half the grass when it was ripe, but they could not cut it. He further observed; "The protracted differences of the Sikhs and Pathans cannot be wondered at from bitter feelings

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1. Fraser to Clerk, June 9, 1834, B.N. 34, L.N. 39.

2. Clerk to Fraser. B.N. 80, L.N. 186

3. Fraser to Clerk, B.N. 34, L.N. 70.



which each party entertains against the other and whenever an occasion of collision presents it well not be neglected by the Sikhs." The interest of the Nawab was to avoid collision with the Sikhs. Fraser once again asked Clerk to exclude all those Sikhs who were not the inhabitants of the town, requesting him to enforce the prohibition strictly.<sup>1</sup>

About the lapsed share of Chula Singh, Fraser agreed with Clerk that it gave them a ground for interfering to a certain extent in the affairs of Indri. But he also remarked: ".....taking to ourselves all the property and authority of Chula Singh would give us no right to interfere in the affairs of Indri..... as we have just placed the municipal management in the hands of the Nawab to the exclusion of all the Sikhs.... The object in view all along of excluding the Sikhs from Indri has been the good of the people in giving them one ruler instead of many .... However, disgruntled Nihal Singh may be with this arrangement he must not be permitted to neutralize by his disobedience the results that are to be obtained". He also informed Clerk that he was making inquiries about the number of Sikh families to be allowed to live in Indri and would soon communicate the result to him. Clerk was to issue a proclamation that only bonafide residents, with their families in Indri and living there for a long time, would be permitted to remain there; all others should remove themselves or they would be punished severely. The proclamation was also to prohibit armed Sikhs or parties of Sikhs of the co-parceners, hostile to Ghulam Mohy-ud-din Khan, or their brethren, friends or retainers from entering

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1. Fraser to Clerk, October 28, 1834, B.N. 34, L.N. 70.

the town assembling on or its lands; serious notice was to be taken of their disregard to positive and repeated injunctions.<sup>1</sup>

On November 2, 1834, Clerk observed that the delay in excluding the Sikhs from Indri had arisen from the difficulty in discriminating those who should be excluded from those who were to be allowed to remain.<sup>2</sup> As Fraser himself was making the inquiry, Clerk was waiting to hear of the result; as soon as the result was communicated to him, he would lose no time in issuing the prescribed proclamation which he would enforce strictly.

But the Sikhs of Indri were not sitting idle. Nihal Singh presented a petition to the Governor-General in October 1835.<sup>3</sup> He pointed out that Indri had continued under the possession of his ancestors and those of Ghulam Mohy-ud-din Khan as joint Chiefs

1. Fraser to Clerk, October 28, 1834. B.N. 34, L.N. 70.

The same day, Fraser wrote another letter to Clerk. He said that he had advised the sale of grain at Indri before also but it had not been done. Within fifteen days all the grain lying in store was to be given over to the parties or sold by public auction. Money collected or lying in deposit should be divided equally or made over to the persons to whom it belonged; all matters in disputed claims, balances, etc. should be settled without delay. (B.N. 34, L.N. 19)

It seemed that Fraser was getting thoroughly dissatisfied and annoyed with things that were going on in Indri.

2. Clerk to Fraser, B.N. 80, L.N. 194.

3. Metcalfe to Clerk, December 22, 1835, B.N. 35, L.N. 89.

Eushty to Metcalfe, December 12, 1835, B.N. 35, p. 740.

Petition of Nihal Singh to the Honourable the Governor-General delivered on October 5, 1835 (B.N. 35, p. 740-45). In an earlier petition, Nihal Singh had represented himself to have been a fourth sharer in the town of Indri.

(B.N. 27, L.N. 82, March 26, 1827).

but Fraser, the late Agent to the Governor-General, "from motives of friendship" to Ghulam Mohy-ud-din Khan had submitted a report against him to Government; accordingly an order was passed directing the judicial affairs of Indri to be under the management of Ghulam Mohy-ud-din Khan and that the Sikhs were to receive one-half of the revenue from the said Nawab. Nihal Singh added that he had also appealed to the Governor at Agra who had directed further investigation into the matter. At this, Fraser became more "unkind" and incited Ghulam Mohy-ud-din Khan to attack the fort of Nihal Singh which he did; the Sardar escaped at night to Allahabad. He pathetically remarked that he had been deprived of his right by Fraser.<sup>1</sup>

Accordingly, Macnaghten, the Secretary to the Government of India, wrote to Scott, Secretary, Government of Agra,<sup>2</sup> suggesting a rehearing of the case, could it be done consistently with the terms of the original order. The order of July 25, 1833, provided for a revision of the arrangement by which the administration of the town of Indri was entrusted to Mohy-ud-din Khan, should that individual by misconduct in the management of the trust thus reposed in him show himself unworthy of its further continuance. Macnaghten felt that the petition of Nihal Singh contained "express charges of misconduct" against the Nawab and desired the Political

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1. Metcalfe to Clerk, December 22, 1835, B.N. 35, L.N. 89.

2. Metcalfe to Clerk, March 11, 1836, B.N. 36, L.N. 18.

Scott to Metcalfe, February 27, 1836, B.N. 8, p. 81.

Macnaghten to Scott, November 16, 1835, B.N. 36, p. 81-82.

Agent to report again on the case. So Scot wrote to Metcalfe who had become the Agent to the Governor-General in place of Fraser, assassinated in March 1835.<sup>1</sup> Metcalfe referred Clerk to the letter of Scott, asking him to report whether the conduct of Ghulam Mohy-ud-din Khan, had, as alleged by Nihal Singh, been of such a nature as to render necessary a revision of the arrangement by which the jurisdiction of the town of Indri had been confirmed to him".<sup>2</sup>

Clerk sent his reply on June 21, 1836, in the following words:—

"I beg leave to state that the result of the inquiries I have made as to the manner in which the Nawab Mohy-ud-din Khan has exercised the administration of the town of Indri, entrusted to him by the order of July 26, 1833, is that I do not see any grounds for confirming the charge against Ghulam Mohy-ud-din Khan of abusing the trust to a degree that renders him unworthy of its further continuance<sup>4</sup>. But I do not expect that the Sikhs will ever be satisfied with the validity of the Nawab's claim to exercise the superior jurisdiction in Indri or that they will cease to avail themselves of the means they possess as co-parceners to have or to

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1. Fraser was assassinated on March 22, 1835. (B.N. 35, L.N. 14, March 24, 1835).

2. Metcalfe to Clerk, March 11, 1835, B.N. 36, L.N. 18.

3. Scott to Metcalfe, February 27, 1836, B.N. 34, p. 81.

3. Clerk to Metcalfe, B.N. 82, L.N. 108.

4. The earlier letters of Clerk had conveyed quite a different impression.



create in the town a party actuated by a spirit quite incompatible with the peace of the place or the security of the inhabitants".<sup>1</sup>

On September 2, 1836,<sup>2</sup> Metcalfe once again informed Clerk that the Secretary, Agra Government wanted Nihal Singh to substantiate his charges against Ghulam Mohy-ud-din Khan before him.

This long dispute was only solved in 1843, two years after the death of Nawab Ghulam Mohy-ud-din Khan, when Richmond was the Agent. The final settlement was concluded by Henry Lawrence on the lines recommended by Murray by which an equal division of land had been proposed to be made of Indri and all its villages between the Sikh and Mohammadan co-parceners.<sup>3</sup>

1. Clerk to Metcalfe, June 21, 1836, B N. 82, L N, 108.

Clerk further observed: "The appeal which the people of Indri subject to the Nawab are, in case of dis-satisfaction empowered to make to the Political Agent, Ambala, would be efficacious, had that officer any jurisdiction in Indri. As he has not, the appeal would, I apprehend, be commonly had recourse to, in order to embarrass the Nawab by rendering his authority contemptible. In some cases where the complaint preferred against the Nawab might be well founded, it would be . . . . difficult to prove to be, so . . . . the former could in many ways baffle all attempts to ascertain the treatment which individuals... may have experienced at his hands".

2. Metcalfe to Clerk, September 2, 1836, B.N. 36, L.N. 82.

Bushby to Metcalfe, August 27, 1836, B.N. 36, p. 286.

3. Richmond to Hamilton, October 9, 1843, B.N. 153, L.N. 138.

Richmond wrote as follows, forwarding a letter from Major Lawrence :—

" . . . . a copy of a letter from my assistant Major Lawrence, reporting the adjustment of the difference which for a series of years have existed between the Pathan and Sikh shares in the town of Indri, causing frequent and trouble-

*(Continued on next page)*

*(Continued from page 285)*

some references to Government, but more particularly to my predecessor in office ..... The last order passed by Government appears to have been in August 1836, since which appeals from both parties have been frequent but so opposite in their nature and maintained with so bitter a feeling, that scarcely a hope remained of ever being able to reconcile them, so as to effect anything like an equitable adjustment of their difference.

The settlement which Major Lawrence has now concluded and by which the parties have at length agreed to abide appears to have been recommended many years ago by Captain Murray and is not merely just in itself but is the only one affording a promise of permanent peace and security for the future. I, therefore, have no hesitation in adopting Major Lawrence's view of the matter and submitting the whole for the consideration and order of Government, trusting that the terms of the agreement will be confirmed and their fulfilment enforced as early as possible'.

Richmond was referring here to Murray's letter of May 4, 1829, addressed to Colebrooke, to which I have already referred.

## CHAPTER V.

### Disputes between the British Government and the Protected Princes.

One variety of disputes arising in the time of Clerk were those in which the British Government and one or the other of the Protected Cis-Satlji Chiefs were the two parties involved. These are dealt with in this Chapter. The causes of such disputes were many. Sometimes the differences arose over a boundary line, like the well-known Bhatti Haryana dispute between Patiala and the British Government, which dragged on for about twenty years and caused much friction. At another time, it was over the question of levying of duties by the states. Occasionally, problems arising from the lands, held in co-parceny, like the villages of Gehar and Churpura or the estate of Lashkar Khan Ki Serai were responsible for this state of affairs. At times a Chief claimed a piece of territory held by the British like the Karda valley or the Parganas of Bhawar and Jausar claimed by the ruler of Simur or the Pargana of Singhawa, to which the Kunjpura Chiefs and the Sikhs of Kheri laid a claim. An interesting dispute arose in the Hill state of Kahlur or Bilaspur where an unsuccessful attempt was made to plant a spurious heir and on its failure a revolt followed.

#### 1. The British dispute with Patiala over Bhatti and Haryana Frontier Line.

This remained a constant source of jealousy and suspicion for many years. The British had conquered the districts from the Mahrajas and the Bhattis between 1803 and 1818 but through carelessness or ignorance they had not defined the boundaries of the Sikh states adjoining them. This provided an opportunity to the Sikh Chiefs, especially Patiala who tried to occupy as much of

the territory as possible, in anticipation of the time when the Government would appreciate its value but would find itself too late to recover it.

Mr. Fraser, the District officer, had called the attention of Government to the encroachment of Patiala<sup>1</sup> and the Resident at Delhi had repeatedly written to the Political Agent about it.<sup>2</sup> But it was only in 1835 that a serious attempt was made to settle the matter when Mr. Bell was appointed to go into the whole question thoroughly.<sup>3</sup>

Clerk made a mention of it for the first time in 1836<sup>4</sup>. Writing to Metcalfe, he stated that Kapur Singh, an agent of Patiala, had asked him if he could stop the investigation of the disputed boundaries on the Haryana and Bhatti frontier, and that

1. Its only result had been that the Raja of Patiala preferred a complaint against that officer (B.N. 19, L.N. 27, February 26, 1817).
2. Metcalfe to Birch, January 8, 1817, B.N. 19, L.N. 6 and 7.  
Metcalfe to Birch, February 26, 1817, B.N. 19, L.N. 27.  
Ochterlony to Metcalfe, February 19, 1817, B.N. 19, L.N. 24.  
Metcalfe to Ochterlony, July 5, 1817, B.N. 19, L.N. 67.  
Metcalfe to Ochterlony, June 17, 1817, B.N. 19, L.N. 58.  
Murray to Elliott, August 16, 1823, B.N. 71, L.N. 153.

In the times of Murray, the Patiala authorities had produced copies of documents and letters of Perron and Louis Burgoyne and the order of Lord Lake to substantiate their claims.

Murray to Elliott, May 5, 1824, B.N. 72, L.N. 77.

3. An earlier effort to settle the boundary question was made in 1830 also but it was not attended with success — Vide The Despatch of the Court of Directors. B.N. 38, p. 217—20.

Clerk to Metcalfe, January 23, 1836, B.N. 82, L.N. 11.



he had replied in the negative, adding that he did not think it advisable to do so. So the Patiala authorities, added Clerk, were bent on sending a deputation to Calcutta which might serve to retard, if not affect the cessation of inquiries, which Patiala had always regarded with much aversion.

He addressed another letter<sup>1</sup> to Metcalfe in which he acknowledged the receipt of the report of Bell on deputation for the settlement of the Hariana frontier; the Raja of Patiala proposed to pay to the British Government a 'nazrana' for the possession of the Pargana of Fatehabad, Sirsa and Rania and Clerk was instructed to communicate with the Patiala authorities. Accordingly, Clerk met the Patiala Vakil who made two propositions on behalf of his master, firstly to pay a 'nazrana' and secondly that the Parganas should be mortgaged for twenty lakhs of rupees, "to be deposited with or lent to the British Government, until such time as the British Government may desire to redeem them". The cession of the Pargana of Hissar was to be the "sine qua non" of the above two proposals, as without that Pargana, the Patiala authorities did not consider that they would obtain all the territory which, they alleged, belonged to them.<sup>2</sup>

Commenting on the Patiala propositions, Clerk observed that six years previously, it had been proposed to cede the Parganas for twenty lakhs of rupees, which Government had borrowed from the Patiala State but then Murray was opposed to the proposal, as that would have meant making the life and property of the inhabitants of the Parganas, mostly Mohammadans, unsafe. The scheme had

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1. Clerk to Metcalfe, May 3, 1836, B.N. 32, L.N. 76.

2. That was in reply to the inquiry made by Metcalfe in his letter of March 30, 1836. Clerk had been instructed to communicate direct with the ruler with a view to ascertaining the amount of 'nazrana' which he was willing to pay for those districts. (B.N. 36, L.N. 25).

been also disapproved by Fraser on the same grounds.<sup>1</sup>

Metcalf, replying,<sup>2</sup> informed Clerk that Government was not willing to agree to the cession of the Pargana of Hissar mainly because of the opinion of Murray and Fraser which had been so definitely against it; he added that if the Patiala ruler could accept the above proviso, only in that case negotiation would be carried,

On November 8, 1836, Metcalfe forwarded to Clerk a copy of a despatch from Secretary Bushby, conveying the orders of the Lieutenant-Governor, relating to the long existing boundary dispute; a summary of Bell's report was also given.<sup>3</sup> The Lieutenant-Governor appreciated the pains taken by Bell<sup>4</sup> and thought that his propositions should be carried into effect; the Sikh Chiefs should be asked by Clerk to surrender such parts of territory as they had 'unduly' occupied. His Honour further observed:—

"The British Government is not actuated by a desire to extend its dominions. We merely require what we conceive to be justly our rights; what belonged to Sindhia when we conquered his country belongs of right to us. Thus we claim whatever was subject to his authority on the Haryana frontier in 1803. We see no reason why we should allow any other power to usurp our right. Whatever portion of Haryana was at that time in the possession of the Sikh

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1. Clerk to Metcalfe, May 3, 1836, B.N. 82, L.N. 76.

2. Metcalfe to Clerk, May 11, 1836, B.N. 36, L.N. 38.

3. Metcalfe to Clerk, November 8, 1836, B.N. 36, L.N. 98.

Bushby to Metcalfe, October 29, 1836, B.N. 36, p. 371-73.

4. But the Lieutenant-Governor did not like the tone of Bell towards the ruler of Patiala and other Sikh Chiefs as it was "too authoritative and assuming", though he admitted that the conduct of the Chiefs and the Raja had been provoking.

Chiefs we freely yield to them and lay no claim to it. The principal applied to Hariana might not unjustly be perhaps applied to the Bhatti country, but we have been moderate. We limit our claims to the periods in which we introduced our authority finally into the several portions of the Bhatti country. What belonged to Fatehabad, at the time of our final conquest of that Pargana in 1809-10 and was not possessed at that time by the Sikh Chiefs, we claim as our own. Whatever portion of Pargana they possessed at that time, they are allowed to retain, without scrutinising back to the right established by our first conquest in 1803. In like manner, with respect to Sirsa and Rania, we only claim according to the state at our final conquest in 1818. Those principles appear to be not only just but liberal and the Lieutenant-Governor cannot understand what the Sikh Chiefs can fairly and truly oppose to them.

Mr. Clerk is to be informed that the principles described have been laid down by the Supreme Government and that the Lieu enant-Governor sees no reason, after the fullest investigation, to depart from them. He will therefore urge them as finally determined and conclusive.

It is not, however, the Lieutenant-Governor's wish or the wish of the Supreme Government, to use our superior power to obtain anything what is not justly our due. Those principles which seem to be indisputable being admitted, the Lieutenant-Governor will be willing to take a liberal view of any points that may be really doubtful. The Agent at Ambala, therefore, will submit for consideration any that may strike him as such and such points may be reserved for further orders, but the settlement of what is clear and undesirable cannot be longer delayed. The question is not new to the Sikh Chiefs. It has in fact been agitated for more than twenty years and what is now after every possible enquiry, insisted on by the British Government, is much less than was originally claimed twenty years ago by Mr. Fraser. The delay which has occurred for so long a period is unaccountable but they must have been during the whole period aware that the settlement of our claims was hanging over them."

The British Government, as would be clear from the above instructions of the Lieutenant-Governor, was liberal, and unlike any other power, was not abusing its strength to oppress the native states ; it was ready to treat their claims with generosity and sympathy. Clerk was further instructed to demand revenue of the surrendered place from the date of his demand ; no claim was to be made for the past revenues. His Honour very justly observed : " we--- regard this as a self imposed punishment for our own neglect in not settling our claim earlier".<sup>1</sup> All the surrendered territory was to be placed in charge of Bell who was to be guided by the Commissioner at Delhi in all important matters of administration, until a final arrangement was made ; Clerk was asked to introduce the British authority "into such parts of the hitherto disputed tract as may not be otherwise occupied". Earlier also, the instructions had been to the same effect.<sup>2</sup>

Government admitted that there would be some difficulty in establishing the fact of possession ; where the facts were disputed and proofs could not be obtained, the lands were to go with the Parganas to which they belonged ; if that could not be ascertained and every other reasonable ground of settlement should fail, the question was to be settled by compromise or mutual concession and if that be found impracticable it was to be decided by lot.

The Raja of Patiala must have had a shock with the orders of Government were conveyed to him. He refused to acquiesce in the inevitable. Clerk informed Metcalfe<sup>3</sup> that he had delivered to Bir Singh and Kapur Singh, the Agents of Patiala, a paper explaining fully Government's decision and the sentiments expressed by the

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1 Metcalfe to Clerk, November 8, 1836, B.N. 36, L.N. 98.

Bushby to Metcalfe, October 29, 1836, B.N. 36, p. 371-73.

2. Scott to Metcalfe, July 11, 1835, B.N. 36, p. 381.

3. Clerk to Metcalfe, December 9, 1836, B.N. 82, L.N. 182.



Lieutenant-Governor, North-West Provinces. Kapur Singh proceeded to Patiala to consult his master, though Clerk frankly told him that any appeal against the decision of the Lieutenant-Governor would be of no avail. He also wrote to the Raja that he could not relax the demand made under orders from Government for an immediate surrender of the lands claimed and that his agency in the matter was confined to such points, as might arise in the course of transferring the lands.<sup>1</sup>

Metcalf wrote to Clerk<sup>2</sup> that no separate negotiation relating to the dispute would be entered into, and that he was not to stay his proceedings on receiving an intimation from any of the Sikh States concerned that a reference had been made to the Lieutenant-Governor. On January 4, 1837, he forwarded for delivery the replies made by the Lieutenant-Governor, and the Secretary at Agra to the Kharitas received from the Maharaja of Patiala.<sup>3</sup>

Clerk wrote to Metcalfe<sup>4</sup> that the Raja of Patiala had referred him to his minister Bir Singh, when he had refused to forward certain Kharitas of the Raja. He also added that he had met the Minister and had several conversations with him and had

1. Clerk to Metcalfe, December 9, 1836, B.N. 82. L.N. 182.

2. Metcalfe to Clerk, December 12, 1836, B.N. 36, L.N. 101.

Metcalf also wrote a letter to the Maharaja of Patiala explaining how the British Government was only anxious to have what it had conquered from the Marhattas in 1803, from the Bhattis of Fatehabad in 1810 and from the Bhattis of Sirsa and Rania in 1818; all that was in his possession on the respective frontiers at those periods belonged to him (Metcalf to Raja Karam Singh Patiala, December 3, 1836, B. N. 36 p. 402).

3. Metcalfe to Clerk, January 4, 1837, B.N. 37. L.N. 1.

Lieutenant-Governor to Patiala, December 24, 1836, B.N. 36, p. 1.

Bushby to Patiala, December 24, 1836, B.N. 37, p. 2.

The Lieutenant-Governor assured Patiala ruler that boundary would be justly defined so that no doubt might arise in future.

4. Clerk to Metcalfe, January 30, 1837, B.N. 83 L.N. 4.

strongly advised him to urge his master to follow the course laid down in the orders of the Lieutenant-Governor on this subject. From the observations of the Patiala Minister, Clerk concluded that the Raja of Patiala had an insuperable aversion to agree in writing to deliver up the villages claimed by Government from a belief that his doing so would prejudice the claims he proposed to advance to a re-investigation of the case. The Patiala Minister was also told that the Supreme Government would proceed to assume possession without delay of what it conceived to be its right. Clerk further observed : " ... it was for him to consider whether the apparent reluctance of his master to comply with the orders of Government might not generate a show of resistance on their part of some of their servants or their subjects on the frontier, when the necessary measures to carry into effect these orders were being taken. I warned the Sardar that for such conduct, whether authorised or not, the Raja would be held responsible".

There were certain villages which were in possession of other Chiefs; all of them were ready to comply with Government's orders. The Raja of Nabha, through his agent, Munshi Sahib Singh, informed Clerk that he had issued orders to the Thanedars to surrender the villages claimed by the British Government whenever any authorised person would arrive to receive them. But the Chief would be appealing to Government for a reconsideration of the whole case. With regard to Kaithal, Clerk complained that there was no administration with which to negotiate on this matter. Gulab Singh Shahid also wrote to Clerk that he had directed his officials to comply with Government's requisition, though he was also representing his case; other minor Chiefs, although remonstrating against the decision of Government, had also expressed their willingness to obey orders. But Clerk thought that the execution of the orders of Government, affecting the possessions of the other Chiefs, ought not to precede the attachment of the lands claimed by Patiala.

The shilly-shallying attitude of the Patiala Chief seemed to have greatly annoyed the British, who concluded that he was not in a mood to comply with the orders of Government. So Metcalfe

wrote to Clerk to the following effect<sup>1</sup>:—

“If your further negotiations shall have failed to induce the Raja of Patiala to cede the British territory which he has occupied you will proceed to Patiala and communicate personally with the Raja on the subject and you are not to quit that place without obtaining from the Raja either order for the surrender of the lands which have been demanded or a positive or implied refusal to comply with the requisition of the British Government.

You will warn the Raja that his further resistance to the just demand of the British Government may be followed by a war not merely for the British territory that he has occupied but possibly for the subjugation of the whole of the Patiala country, in consequence of his denial of our right.

You will at the same time assure him that his acquiescence in our demands will in not the slightest degree prejudice his claim to further investigation and that whatever may afterwards appear to have been erroneously demanded shall be returned<sup>2</sup> without hesitation but that more than twenty years having passed in investigation and being at present persuaded of our right, we cannot brook more delay and insist on the surrender of the territory which appears to belong to us before we can sanction any further investigation.”

In regard to the cession of the lands occupied by other Chiefs, the Lieutenant-Governor did not agree with the view expressed by Clerk, Metcalfe writing as follows<sup>3</sup>:—

“His Honour is of opinion, there is no reason why the

1. Metcalfe to Clerk, February 13, 1837, B.N. 37, L.N. 16.

2. For example, one village, Piru, was returned to Patiala. (Clerk to Metcalfe, April 3, 1838, B.N. 83, L.N. 62, and B.N. 38, L.N. 14, March 23, 1838, Metcalfe to Clerk).

3. Metcalfe to Clerk, February 13, 1837, B.N. 37, L.N. 16.

cession of what we demand from the other Chiefs who are willing to make it should be delayed on account of the demur of Raja of Patiala. You will, therefore, receive the cessions of those who have acceded to our demands and will assure them that their ready compliance will have the effect of rendering the British Government, if possible, more willing to attend to their claims for restoration.....

The state of affairs at Kairhal, need not prevent the presentation of our demand with an intimation that the neglect of it may lead to measures for taking possession of that principality. It is concluded that there must be some administration to which our demand can be communicated and that may be made to understand the possible consequence of resistance<sup>1</sup>.

In the event of a military force being required to introduce the British authority, Clerk was instructed to approach the Commanding officer at Sirhind; it was to be employed in taking possession of and retaining any British territory claimed from those states. If actual resistance were to be offered, than only those places were to be occupied with regard to which resistance was not to be expected.

Metcalf once again addressed Clerk<sup>2</sup> a communication in which he was asked to consider the actual relinquishment of the territory in dispute, so that it might be occupied without resistance as equivalent to a formal written surrender, if he found greater

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1. Metcalf to Clerk, February 13, 1837. B.N. 37, L.N. 16

2. Metcalf to Clerk, February 16, 1837, B.N. 37, L.N. 18.



difficulty in obtaining the letter than in effecting the former mode of cession. Metcalfe further observed: "It is considered that our object will be equally attained by tranquil possession in any way although the pretensions of the several states concerned to further investigation will be diminished for want of full acquiescence in the mode of surrender"<sup>1</sup>. He wrote to Clerk again:<sup>2</sup> "Although it is presumed that you have not neglected to urge on the Raja of Patiala all the arguments that occur to induce that Chief to submit to our demands for the restoration of the British territory, yet as the arguments used by you have not been reported, it is considered proper to call your attention to those that present themselves to the Lieutenant-Governor in order that in your conferences with the Raja of Patiala nothing may be omitted that is likely to lead that Chief to take a correct view of his own interest.

It will be proper to explain to the Raja that we demand nothing but our own.....

If he deny that the territory claimed was conquered by us from the Mahrattas or the Bhattis, he is to be informed that we have made every possible inquiry and have satisfied ourselves as to the fact, but that he may be assured of our readiness to reconsider our decision..... although we cannot submit to further delay.

He must be aware that the principality of Patiala owes its existence to our protection and would, without it, have been entirely subjugated by Raja Ranjit Singh. We have exacted no tribute.....the least we can expect from Patiala is that the Raja will relinquish to us what we claim as our own.....we entertain no doubt of our right.....

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1. Clerk was asked to furnish a detailed report of his proceedings showing the measures he had adopted to convince the several Chiefs concerned of the expediency of yielding to the demands of the British Government, and also the arguments used by them in evading them.

(B.N. 37, L.N. 17).

2. Metcalfe to Clerk, February 17. 1837. B.N. 37. L.N. 19.

The injury that may result to himself from his refusal to comply with our demands is to be pointed out to him. It is impossible to say what consequences he may not draw down on himself by his protracted opposition. The expense alone of any force sent to coerce him would be ruinous ; and will no doubt in any event be charged to him. What more the British Government under the influence of displeasure at his resistance may demand cannot be anticipated, but may possibly be what would make him deeply repent of his past conduct. At present we only claim what we conceive to be our own and promise to restore whatever may eventually appear to be otherwise.

These arguments, enlarged upon and placed upon him in various points of view, ought to make some impression. He must be very determined or very infatuated, if they do not convince him that his interest requires his submission.....we have never relinquished our rights.....no rights are changed by that encroachment and that in fact the greater part of his encroachments have taken place since the question has been in dispute between us and are owing to our forbearance,<sup>1</sup> in not enforcing our rights, until we are fully satisfied of their indisputable existence..... although there has been every disposition to view every case of doubt with indulgence, he is throwing away the benefits of that feeling by the inclination which he has evinced, to disregard our demands.

Every endeavour ought to be made to convince him and the rest that we will not recede from our demands while they are opposed ; that we will certainly enforce them. that the necessity of coercion will bring on those who oppose, penalties increasing in proportion to their resistance ; and that in every point of view, the most beneficial course for each and all is ready submission."<sup>2</sup>

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1. Patiala was trying to settle new villages on the disputed border and Fraser asked Clerk to dissuade the Raja and his officials from doing so.

2. Metcalfe to Clerk, February 17. 1837, B.N. 37, L.N. 19.

*(Continued from page 298)*

On February 18, 1837, Metcalfe sent Kharitas addressed by the Lieutenant-Governor to the ruler of Patiala. The Lieutenant-Governor wrote : " I have directed Mr. Clerk to proceed to Patiala and to communicate with Your Highness in person on this subject ; and not to quit you until he shall have received from you either the surrender of the places demanded or an assurance of your relinquishment to them so that they may be occupied without resistance.....

I now proceed to warn you as a friend of the probable consequences of further opposition.

It has already been my duty to report your inattention to the Supreme Government and I shall have to execute any orders that I may receive unless in the meantime you comply with my requisition. It is possible that the Governor-General in Council.....may order an army to proceed direct to Patiala to subjugate the whole of your principality.....unless therefore you can conceive that you can successfully oppose the arms of the British Government. Your friends must feel that the only wise course to be pursued is to yield without delay to the demand made on you.

I understand that you profess to require further investigation. This shall be accorded to any extent, after you have complied with our demands. But after twenty years of investigation, during which you have every opportunity of producing evidence and availed yourself of it to the utmost of your desire..... we cannot submit to further delay on the plea of further investigation. You may, however, be assured that after submission to our demand, any territory that may be found on further investigation to have been erroneously required shall be cheerfully restored.....

I entreat you not to expose your House and State to the probability of utter ruin by further delay.....

Metcalfe to Clerk, February 18, 1837, B.N. 37, L.N. 20.

Lieutenant-Governor to Patiala, February 9, 1837, B.N. 37, p. 55-56.

The Governor-General also wrote to the Raja of Patiala, as follows :—

" I regret to find by a communication from the Lieutenant-Governor that you hesitate to yield obedience to the requisition which has been made for the surrender to our officers of the villages in dispute..... you must be

*(Continued on next page)*

These letters must have convinced Maharaja Karam Singh that the British Government was not in a mood to be trifled with, for he started complying with the orders of Government, Clerk informing Metcalfe that the Raja had agreed to surrender the 'Nili' territory which was being made over to the Political Agent, Bhatti District.<sup>1</sup> Clerk further observed : " It is superfluous to add that the assurances.....that the Raja's ministers were directed to convey to me of the ready compliance with the orders of Government previously intended were never made to me. At the same time, I believe the Patiala authorities have not entertained any idea of offering open resistance to the execution of the orders, although it has not hitherto been much in their contemplation to declare formally or even to intimate their compliance with them. I believe they expected the written remonstrance the Lieutenant-Governor addressed for the third time would at least lead to a renewed discussion regarding dates of occupation and thus avert for a season or

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satisfied with the British Government of its scrupulous regard for justice. .... it cannot prevent any violation of its own ..... I warn you in the most solemn manner to avert from yourself the displeasure of the Paramount power by instantly complying with the requisitions which you have received from the surrender of the disputed tract. By so doing you will not compromise any claims which you may be hereafter found to possess, but by persisting in disobedience the consequences may be fatal not only to those claims, but to your very existence as an independent Chief."

Metcalfe to Clerk, March 18, 1837, B. N. 37, L. N. 30.

Kharita from the Governor-General, Lord Auckland to the Raja of Patiala, and a letter from His Lordship to the Raja—February 24, 1837, B. N. 37, p. 83.

1. Clerk to Metcalfe, February 18, 1837, B. N. 33, L. N. 5.

The 'Nili' was the land situated low down on the river Ghaggar which was called 'Nala' or 'Nila' by the Sikhs ( B. N. 37, L. N. 40, April 18, 1837, and B. N. 33 L. N. 17, April 30, 1837 )



more the execution of any decisive measures in conformity to the late decision."<sup>1</sup>

Metcalf<sup>2</sup> directed that Clerk would report when the territory, to be resumed by Government, had been occupied: the eastern portion of the surrendered territory was to be annexed to Haryana and the western one to the Bhatti district.

Clerk replied<sup>3</sup> giving the number of the villages claimed by the British Government from the Chiefs. He also wrote that on the 4th instant, the officers reported to him that 113 villages out of 122 villages on the Haryana frontier had been transferred to the Collector in Haryana together with four dependent villages not included in the list; 9 villages

1. The Raja of Patiala sent Kharitas to the Governor-General and the Lieutenant-Governor intimating that he had given up the places on the Haryana frontier, adjudged to belong to the British Government. Lord Auckland expressed his gratification at the news and gave the Raja to understand that the Lieutenant-Governor would give his best attention to any reasonable objection that he might urge though he was not willing to re-open the whole question, as was the wish of the Raja. His Lordship observed: "It gratifies me to find that you have completely conformed to the requisitions of the British Government. I think it necessary to undeceive you as to my intention with regard to the lands surrendered as you appear to have altogether mistaken my meaning. A long full and laborious investigation has been conducted into the question and I certainly never meant to encourage the revival in all its parts of the controversy."

Metcalf to Clerk, August 7, 1837, B. N. 37, L. N. 73.

Auckland to Karam Singh of Patiala, June 26, 1837, B. N. 37, p. 234.

2. Metcalf to Clerk, March 18, 1837, B. N. 37, L. N. 29.
3. Clerk to Metcalf, April 30, 1837, B. N. 83, L. N. 17.

The total number of villages involved was 248. Metcalf made a summary of Bell's voluminous report which was described as very clear and satisfactory by the Lieutenant-Governor. The following observations were made by Bell:—

*(Continued on next page)*

yet remained to be discovered and Clerk was writing to Bell for further information. 33 villages, apparently 'Dakhli' or dependent, not comprised in the list, were considered as belonging to the British Government, though Patiala denied the right of the British Government; 25 villages claimed from Patiala on the frontier of Fatehabad had been transferred to the British control. On the frontier of Sirsa, out of 14 villages claimed from Patiala, 12 had been transferred; the

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The decision of the Haryana boundary was to be framed with reference to the status of 1803. Those lands which were in the possession of the Sikh Chiefs at that period were to remain with them and those held by the officers of the Sindhia to be considered the property of the British Government. In Fatehabad, the British Government was to be guided by the basis of possession in 1809 and in the like manner, Sirsa and Rania, when the Parganas were annexed to British territory in 1818. Haryana comprised 19 districts which fell to the Mahrattas at the defeat of George Thomas. Thirteen districts including Fatehabad, Sirsa and Rania had been placed under the immediate control of the officers appointed by the Sindhia and with the exception of Bhatner subsequently annexed to the British domains; Saffedon and Dhatrat had been transferred to Raja Bhag Singh of Jind. The territories which remained in dispute were, as follows :—

(a) *Kassohan*. It comprised 16 villages and was originally in possession of Patiala; George Thomas in 1798 wrested it and he in turn was ejected by Louis Burgoyne; Kassohan was then assigned to Bhai Lal Singh of Kaithal but he transferred it to Patiala with whom it had remained ever since. The right of the Raja of Patiala was acknowledged in the case of Kassohan.

(b) *Goukpur Taalug*. It consisted of 15 villages. It had been wrested from George Thomas by Louis Burgoyne and on the over-throw of Sindhia's power had been taken possession of by the British. It was granted to three different Chiefs but was ultimately annexed in 1809 to British dominions. Copies of four letters were produced by the Raja of Patiala in support of his claim. Bell was of the opinion that the villages were the property of the British Government.

(c) *Fort of Badaikri*. It was taken from Patiala by George Thomas in 1798 and granted by Louis Burgoyne to Bhai Lal Singh of Kaithal. It was

(Continued on next page)

remaining 2 were not discovered. On the frontier of Rania, 76½ villages had been transferred from the control of Patiala to that of the British. Captain Thoresby had taken charge of those villages; there was doubt about the identity of 4 villages on this

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restored to Patiala in 1802. The claim of Patiala to Badsikri was acknowledged.

(d) *Fort of Kanhoura*. It originally belonged to Kaithal. It was wrested by Thomas and garrisoned for some time by Patiala but had been re-annexed to Kaithal before 1803. The right of Kaithal was admitted

(e) *Ismailpur cum Sohana*. There were at first only 11 estates but now the number had increased to 122. Between 1750-1778, these districts were over-run by Sikh or Bhatti plunderers. From 1778 to 1782, they were occupied by the troops of Raja Amar Singh of Patiala. From 1798 to 1802, Sohana was garrisoned by Thomas. From 1802 to 1803, the territory was in General Perron's possession, and ought to have formed a part of the company's territory from 1803. The Raja of Patiala had not the possession of the territory at the time the Sindhia was over thrown. The Raja did not obtain the possession of 11 villages until 1809. Bell had recommended the annexation of all lands now in possession of the Raja of Patiala to the South and West of a frontier line from Bohia to Kassohan which constituted the Sikh boundary between 1803 and 1809.

(f) *Fatehabad*. In 1774, Raja Amar Singh of Patiala conquered the Parganas of Fatehabad, Rania and Sirsa retaining them for himself. He gave some villages to Nabha and Kaithal. Patiala and Kaithal were in possession until 1783 when there was a famine. In 1784, the Bhattis re-possessed themselves of the territory and retained it until 1811, two years after the annexation of Fatehabad by the British. The claim of the Sikh Chiefs was founded on conquest of 1774 but from 1783 to 1811 they had not held the district. Fatehabad was declared to be British territory, and 25 villages from Patiala and 21 from Kaithal.....46 in all.....were to revert to the British Government.

(g) *Sirsa*. It comprised 27 villages of which Panhiari was taken possession of in 1812 by Nabha; three villages were possessed by Patiala. These four were to be retained by them. The remaining 23 villages... 14 belonging to Patiala, 3 to Nabha and 6 to Kaithal... which were in possession of the Bhattis in 1818, were to revert to the British. All these villages had been settled after 1818, the date of subjection to British Government.

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frontier.<sup>1</sup> On the frontier of Fatehabad, 21 villages claimed from

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(h) *Rania*. It was of considerable size consisting of 109 inhabited villages, of which Patiala possessed 77, Kaithal 5, Nabha 2, Jumba 3, Arnowli 6, and Dharadpur 6. The claims of the present possessors were founded on the right of conquest during 1772-74 by the Sikhs under Raja Amar Singh of Patiala. He died in 1781 when the Bhattis readily seized the first opportunity to recover the greater portion of the territory and aided by the dis-union among the several Sikh Chiefs and the famine of 1783 finally succeeded in expelling the Sikhs from Rania. The claim of the Sikh Chiefs was limited to the possession of the territory for a period of eleven years from 1772 to 1783. From 1783 to 1821 *i.e.*, three years after the annexation of Bhatti districts to British territory, the Sikh Chiefs possessed no lands within Rania. So it was to belong to the British.

(B. N. 36, L. N 98, November 8, 1836,—Summary of Bell's Report, B. N. 36, p. 374-81).

1. Clerk to Metcalfe, April 30, 1837, B. N. 33, L. N. 17.

The list of the villages claimed was as follows:—

	Number.
From Patiala on the frontier of Pargana Hariana.	122
Patiala on the frontier of Pargana Fatehabad.	25
Patiala on the frontier of Pargana Sirsa 14 and	90 $\frac{1}{3}$
Rania 76 $\frac{1}{3}$	
Kaithal on the frontier of Pargana Fatehabad,	21
Kaithal on the frontier of Pargana Sirsa 6, and	
Rania 4 $\frac{1}{3}$ .	10 $\frac{1}{3}$
Nabha on the frontier of Pargana Sirsa 3, and	5
Rania 2.	
Gulab Singh Shahid frontier of Pargana Rania.	6
Arnowli on the frontier of Pargana Rania.	5 $\frac{1}{3}$
Jumba on the frontier of Pargana Rania.	13
Total	298

Apparently, the 'Dakhli' or dependent villages were not included in it. Again, Clerk does not include in this list 6 villages occupied by Dharadpur. The number given by the Court of Directors was 236  $\frac{1}{3}$ , from Patiala, 31  $\frac{1}{3}$  from Kaithal, 5 from Nabha, and 33  $\frac{1}{3}$  from other Chief, the total being 306.

(B. N. 38, L. N. 42)



Kaithal had been transferred to the control of Captain Thoresby, 6 villages on the frontier of Sirsa, in the possession of Kaithal, had been transferred; 3 villages and one-third of another village, on the frontier of Rania, had been received from Kaithal; a fourth village on the Rania frontier had not yet been traced.

Of the 3 villages claimed from Nabha on the frontier of Sirsa, 2 had been transferred to the British control; for the third village on the same frontier, Clerk had written to the Raja of Nabha. Of the 2 villages claimed from Nabha, on the Rania frontier, one had been made over to Captain Thoresby while the other had not been yet discovered. Clerk was addressing a letter to the ruler for that purpose.<sup>1</sup> Six villages claimed from Gulab Singh Shahid had been transferred with the exception of one for which he had written to the Shahid Chief. Five villages and one-third of another village, claimed from the Bhai of Arnawli had also been transferred; thirteen villages claimed from the Jumba Chief, had also been handed over to Government with the addition of one 'Dakhli' or dependent village.

Metcalf wrote to Clerk<sup>2</sup> in May 1837 that he was to receive and discuss any objection which might be urged by the Raja of Patiala or any other Chief, in the event of the whole of the territory having been made to the British Government.<sup>3</sup> He was

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1. Clerk to Metcalfe, April 30, 1837, B.N. 83, L.N. 17.

2. Metcalfe to Clerk, May 29, 1837, B.N. 37, L.N. 49.

Metcalf forwarded a letter of Lieutenant-Governor to Patiala, dated May 20, 1837 p. 150B

3. The British were very anxious to put an end to this long controversy and enforce principles enunciated by Bell in his report. Bell's view was that they should be rigidly enforced and that any deviation from these principles would only be attended with mischievous consequences. He had added: "It will involve an unnecessary sacrifice of our just right, tend to encourage future aggressions, under the demarcation of a well defined boundary still more difficult and consequently lead to immediate disputes between the adjacent villages of the two territories"

not to pay any heed to unreasonable objections; only those objections were to be submitted by him to Government which might appear to him well-founded. Metcalfe once again asked him to discourage "the revival of vexatious controversy on points of detail, which may be considered as having been completely settled by notorious facts and the mass of evidence that has been recorded". Finally, he directed him to report whether all the territory on the Haryana or Bhatti frontier, included in Bell's award, had been occupied, so that all future disputes might be avoided.

Clerk in reply<sup>1</sup> requested Metcalfe to provide him with a copy of Bell's map to enable him, in some instances respecting lands not specified in the list of villages claimed, to determine to which side such lands were to appertain.

In August 1837, Metcalfe addressed six letters to Clerk in which he was asked to adopt immediate measures to ensure a complete cession of the tract in question,<sup>2</sup> as Patiala and other Sikh Chiefs were adopting dilatory tactics.

1. Clerk to Metcalfe, June 1. 1837, B. N. 83, L. N. 26.

2. Metcalfe to Clerk, August 12, 1837, B.N. 27, L.N. 76.

Thoresby to Metcalfe, August 9, 1837, p. 242.44.

Metcalfe to Clerk, August 14, 1837, B.N. 37, L.N. 77.

Thoresby to Metcalfe, August 10, 1837; B.N. 37, p. 246.47.

Metcalfe to Clerk, August 18, 1837. B.N. 37, L.N. 78.

Thoresby to Metcalfe, August 4, 1837, B.N. 37, p. 251.52.

Metcalfe to Clerk. August 30, 1837. B.N. 37, L.N. 83.

Metcalfe to Clerk August 31, 1837, B. N. 37, L. N. 84.

In September, Clerk informed Metcalfe that 41 villages had not yet been transferred ..... 29 on the Hariana frontier and 12 on the Bhatti frontier.<sup>1</sup> He had written to the Raja of Patiala but had received no reply. However, he had received a message that the ministers of Patiala would be waiting on him, though they had not yet arrived. He had heard that the Patiala authorities were waiting to hear from the Vakils at Agra and Calcutta, before complying with the requisition of Government.

On September 11,<sup>2</sup> Metcalfe once again addressed Clerk on the necessity of his adopting early and decisive measures to effect a complete cession of the tract in question. On September 22,<sup>3</sup> he wrote that it was not clear whether the villages, said to have been surrendered by Patiala, embraced the whole tract and observed that if a complete

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Thoresby to Metcalfe, August 28, 1837 B. N. 37, p. 294-95.

Metcalfe to Clerk, September 4, 1837, B. N. 37, L. N. 85

Scott to Metcalfe, August 26, 1837, B. N. 37, p. 297.

The main burden of Thoresby's letters was the reluctance of the local Patiala officials like Thanedars and Tahsildars to surrender the villages, assigned to the British Government. In this connection, twelve villages figured prominently in discussion with the ruler of Patiala.

Scott wrote to Metcalfe that he, Clerk and Thoresby ought each to have a copy of Bell's report: the two latter were to take possession of the places, included within the boundary line; if any hostile collision was expected, Clerk should be approached to demand their surrender from the parties concerned.

1. Clerk to Metcalfe, September 6, 1837, B. N. 37, L. N. 83.

2. Metcalfe to Clerk, September 11, 1837, B. N. 37, L. N. 88.

Thoresby to Metcalfe, September 7, 1837 B. N. 37, L. N. 88. p. 307-8

3. Metcalfe to Clerk, B. N. 37, L. N. 91.

cession had been made, the Superintendent of the Bhatti district and the Collector of Hariana would have informed Government to that effect. Clerk was again requested to urge upon the Raja of Patiala the necessity for a full and immediate compliance with Government's orders. Thus the attitude of the Raja was not very helpful. He was doing his best on various pleas and pretexts to avoid the transfer of as much of the disputed tract as possible. In his defence, it could be said that he had been occupying the tract for about twenty years and he genuinely believed that the British would not take any notice of his encroachment.

In February 1838,<sup>1</sup> Metcalfe instructed Clerk to ask the Raja of Patiala to comply without delay with Brown's requisition or an 'exparte' demarcation would be made. The Raja thought that he might be able to prevail upon the Supreme Government, by a personal interview with Lord Auckland, the Governor-General, to renounce some of its claims. But even this move was not successful because the Governor-General expressed his inability to comply with the Raja's request to be allowed to visit him at Simla.<sup>2</sup>

1. Metcalfe to Clerk, February 27, 1838, B. N. 38, L. N. 10.

Brown to Metcalfe, February 12, 1838, B. N. 38, P. 31-32.

Brown was the Collector of the Western Division and he wanted to settle the boundaries of 18 villages in the disputed territory in Hariana. In spite of his best effort, he could not prevail on the ruler of Patiala to send his agent to enable him to arrive at a decision. As Brown stated to Metcalfe : "I apprehend that the Raja's disinclination to have the boundaries adjusted arises from a feeling that his doing so will be tantamount to a tacit acknowledgment on his part of our title to them, a point which his advisers persist in assuming to be still under consideration." He asked Metcalfe to take necessary steps to secure the demarcation or permit him to proceed to an exparte demarcation.

2. Metcalfe to Clerk, May, 31, 1838, B. N. 38, L. N. 24.

Lord Auckland explained to the ruler why he could not receive him,  
(B. N. 38, p. 123, May 18, 1838)



The threat of 'ex parte' proceedings somewhat impressed the Raja, for writing on June 17,<sup>1</sup> Clerk reported that the Raja had at length deputed one of his ministers, Bir Singh, to discuss the grounds on which the British Government had taken possession of the tracts of the country of the Northern borders of Hariana and Bhatti. Bir Singh wanted to obtain a translation of Bell's report. Clerk was of the opinion that when the minister would be in possession of the grounds of Bell's decision, it would greatly facilitate the investigation proposed to be held.

Metcalf asked Clerk, in July, to call upon the Chiefs of Patiala and Nabha to depute their agents to remain in attendance on Captain Ross, the Superintendent of Bhatti territory.<sup>2</sup> That meant that the Patiala Chief had not sent an agent to Ross, to settle the dispute; though he was being repeatedly asked to do so. Writing again in August,<sup>3</sup>

1. Clerk to Metcalfe, B. N. 83, L. N. 70.
2. Metcalfe to Clerk, July 23, 1838, B. N. 38, L. N. 38.
- Rose to Metcalfe, July 20, 1838, B. N. 38, p. 202.
3. Metcalfe to Clerk, August 3, 1838, B. N. 39, L. N. 42.

Metcalf also forwarded a despatch from Macnaghten who sent a long extract from a despatch of the Court of Directors dated February 13, 1838 relative to the resumption of lands on the disputed frontier.

(B. N. 38, p. 216, July 23, 1838).

The extract which gives a lucid and impartial summary of the case was, as follows :—

"This question has been normally under investigation for upwards of 20 years during which period its settlement has been delayed partly by the evasive proceedings of the Raja of Patiala and partly by the division of the attention of Government to other subjects. During the interval, the Raja's officers have established a great number of new villages in the disputed territories.....

*(Continued on next page)*

Metcalfe called upon Clerk to report "if any further proceedings had been held relative to the resumption of the British Government of land from Patiala and if not the cause of delay whether arising "from the neglect or perverseness of the Patiala agents or from any uncontrollable circumstances on our part."

*(Continued from page 309)*

In 1830, a very minute investigation of the frontier questions at issue with Patiala and other Sikh States was effected by Mr. Brown, but no proceedings took place in consequence. In 1835, Mr. Ross Bell was deputed to the frontier to complete the inquiry and a principle was laid down by which all the points in dispute were to be determined. This principle was the state of actual possession at the time when the districts..... came under our dominion by conquest.....two further questions arose. First, whether districts not actually in the hands of the Sikhs at the period in question, but which they allege that the then possessor (General Perron) had promised to deliver to them, shall be considered to have been then in their possession or not. It has been decided that they shall not. Secondly, on which side the burthen shall lie of proving actual possession. It has been decided that this burthen must rest with the Sikhs.....Both these questions have thus been decided in our own favour .....but yet we think the rights which those decisions assert, should not be strained to the utmost.....The case is altogether a case for compromise and we much regret that the contumacious spirit of the Raja of Patiala who has done his utmost to throw obstacles in the way of inquiry, has presented the matter from being adjusted in that manner.....an award has been passed adjudging to ourselves 236 1/3 villages possessed by Patiala.....you have found it necessary to enforce your demand upon the Raja of Patiala for the surrender of the villages by a threat of marching a military force to his capital....."

Under these circumstances, the Court desired the Governor-General to take a generous view, for it observed :-- "We are desirous not only that the Raja's equitable claims should be respected, but that unless by continued contumacy, he shall have forfeited all title to indulgence. A liberal consideration should also be shown to the disappointment which he must experience at losing the valuable possessions which he has created out of a desert and the same observation applies to other Chiefs in a still greater degree because they have not shown the same contumacy....."

(B. N. 38f p. 217-20, dated February 13, No. 11 of 1838).

The spirit of candour and liberality distinguishing the despatch deserves to be commended.

However, an accredited representative was sent by Patiala, as replying to the above letter, Clerk observed : that the Raja of Patiala, though authorised by the Kharita addressed to him by the Governor-General as early as May 20, 1837, to depute his agents to Ambala, in order to a rehearing of his claims to the territory on the borders of Haryana and the Bhatti country, had only deputed an agent for such purpose on the 9th of June.<sup>1</sup> The first proposition of the agent had been to get a translation of Bell's report and other English documents. Clerk added that the translations would take some time ; after that, he would personally go with the agent to the country in which the lands in dispute were situated and settle the whole question.

The first question to be settled was that relating to the ' Nili ' lands. In October,<sup>2</sup> Macnaghten authorised Clerk to furnish the Raja of Patiala with a copy of Bell's report in the case of the Nili villages. Writing a few months later,<sup>3</sup> Metcalfe sought from Clerk information with respect to the progress made by the agents of Patiala state in bringing to a close the long disputed question of the Nili tracts. He wrote that the period fixed by the Governor-General for receiving arguments in refutation of Bell's report had long since elapsed and that he should submit the result of his further conferences with the Patiala agents as early as possible.

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1. Clerk to Metcalfe, August 9, 1838, B. N. 83, L. N. 79.

2. Macnaghten to Clerk, October 13, 1838, B. N. 38, L. N. 69.

The Raja was given 4 months to put his claim for the Nili villages. Macnaghten also forwarded copies of correspondence exchanged between Supreme Government and Raja of Patiala (p. 310-12). In the final decision, no change was made by the Supreme Government (B. N. 127, L. N. 85, November 12, 1840) ; a little later, Metcalfe asked Clerk about the result of his negotiations with the Chief of Patiala and other Sikh States for the cession of certain estates in that region. (B. N. 53, L. N. 48, January 27, 1841).

3. Metcalfe to Clerk, August 31, 1839, B. N. 59, L. N. 44.

Clerk, in a letter to Maddock,<sup>1</sup> Secretary at Calcutta, stated that he had reminded the Raja of Patiala of Government's orders, when the period of two months, allowed to him, to prepare a settlement of his objections to Bell's decision of the Nili case, was about to expire. But the Raja requested still more time, urging that the party whom he had employed to translate Bell's report had been very dilatory; and that in order not to exceed the time limit and to show his diligence, the Raja had forwarded a portion of his replies which Clerk was transmitting. The Raja had assured Clerk that he was preparing the remainder of his objections with every possible degree of expedition consistent with the importance of the subject. Clerk concluded by saying that he was transmitting the replies of Patiala at once "as it may enable Government to form some judgment of the degree of consideration which the arguments of the Raja seem likely to deserve."<sup>2</sup>

1 Clerk to Maddock. August 27, 1839, B. N. 83, L. N. 125.

2. One letter of the Raja, dated February 26, 1841, illustrates his attitude. He wrote, as follows :—

"I received your letter recommending me not to prolong the discussion in the Nili case and to give a brief reply. The explanations and arguments offered at some length were intended merely to prove my right and not in any way to give unnecessary trouble. I am prepared to occupy the villages proposed to be made over to me out of my hereditary territories of Nili, according to Mr. J. Conolly's (rest of the sentence missing) of the villages of that district in which I have an equal claim will also be acknowledged. Any right to the rest of the villages in the district is equally well established and the doubts of the British Government can easily be removed by my agent.....Any consent to the occupation of the villages proposed to be given up should not be considered as silencing or abolishing my claims to the rest of the district was preventing me from appealing to the justice of a Government which has never yet permitted that any one should be unjustly subjected to loss.....I beg therefore to request your recommendation to British Government of the acknowledgment of my just claims to the remaining villages" B. N. 82, last two pages (not enumerated).

If that was the attitude of Raja of Patiala in 1841, one can very well imagine his tenacity in 1839.



Maddock replied <sup>1</sup> that on condition that no unnecessary delay took place in completing the reply of the Raja of Patiala to the arguments of Bell, the Governor-General would be willing to admit it to be laid before him. It was left to Clerk's discretion "to determine and to communicate to the Raja, some not remote date" after which he would not be authorised to receive any further papers from him connected with his replies.<sup>2</sup>

In 1840, Clerk was once again instructed to tackle the problem of Bhatti-Haryana frontier.<sup>3</sup>

1. Maddock to Clerk, September 2, 1839, B. N. 39, L. N. 45.
2. The Supreme Government approved the decision of the Lieutenant-Governor in the Patiala — Nili dispute and refused to make any change in it. (Unfortunately, no details are available).

Thomason to Clerk, November 12, 1840, B. N. 127, L. N. 85.

Torrens to Thomason, October 19, 1840, B. N. 127, p. 272.

Edwardes to Clerk, June 3, 1841, B. N. 128, L. N. 90.

Maddock to Thomason, May 10, 1841, B. N. 128, p. 234.

3. Clerk was asked to negotiate with rulers of Lahore, Bahawalpur and Bikaner for their aid in survey and adjustment of boundaries in the Bhatti territory. The task proved to be equally baffling as would be clear from the following despatches :—

Thomason wrote: "As the basis on which this boundary with the Protected Sikh States has been fixed by the resolution of 6th August last, His Honour hopes that no further obstacle will be opposed to the final closing of this long pending question." Clerk was asked to point out to the ruler of Lahore and Bahawalpur that any further "contumacious refusal" to aid the survey would "debar them from the benefit of any favour the Government might otherwise be disposed to extend to them." If their agents refused to turn up the revenue authorities had been instructed "to make off such boundaries on the best evidence procurable"; no objections on the score of their non-attendance would be regarded. So they were to be asked to depute their agents (B. N. 127, L. N. 35, September 14, 1840).

(Continued on next page)

A few months later,<sup>1</sup> Thomason, Secretary to the Government of North-West Provinces, inquired of Clerk what progress had been made in the negotiations regarding the disputed boundaries. He also forwarded Metcalfe's letter giving the latter's views regarding the transfer to Government of certain villages belonging to Patiala.<sup>2</sup>

*(Continued from page 313)*

Metcalfe had forwarded to Thomason three letters from Robinson, Superintendent, Bhatti territory (B. N. 127, p. 71). In the first letter, Robinson had informed Metcalfe that the boundaries between Lahore, Bahawalpur, and Bikaner could not be settled, except by himself in the next cold weather. Bikaner had agreed to send its agents but Lahore and Bahawalpur had not agreed to do so. (July 13, 1840, p. 71). In the second letter, Robinson wrote that Patiala had refused to accede to his wishes. (August 18, 1840, p. 72) ; in the third, he pointed out that Nabha and Kaithal had not agreed to send their agents and that no survey was possible till the boundaries had been settled. The States or Chiefs concerned were : Baba alpur, Bikaner, Jumba, Arnawli, Gulab Singh Shahid, Nabha, Patiala and Kaithal. He added that the Lieutenant-Governor should compel the attendance of the agents of these people (p. 72-73, August 31, 1840).

Again, in May 1841, Metcalfe requested Clerk to make another attempt to bring the boundary disputes to a speedy termination and to stop the encroachment of Bahawalpur and Bikaner Chiefs on the British territory. (B. N. 128, L. N. 81).

Also see, B. N. 126, L. N. 116, B. N. 149, L. N. 38, and B. N. 127, LL. N. 2 and 55.

That shows not only the bewildering nature of the problem but also the sincerity of the efforts of the local British officials to solve it in face of so much discouragement

1. Thomason to Clerk, January 11, 1841, B. N. 128, L. N. 8.  
Metcalfe to Thomason, December 30, 1840, B. N. 128, p. 13.
2. Metcalfe sent copies of three communications from Brown, the Collector of Hariana in the last of which the latter had observed that five villages belonging to Patiala and two of Kaithal should be retained by Government. Metcalfe believed that it would be useless to enter on the question of their transfer unless the arrangement suggested by Conolly, who had been appointed to arbitrate in 1840, was acceded to and the result of Clerk's reference to the Chiefs known. Patiala, as Richmond subsequently pointed out, would not agree, (B. N. 160, L. N. 47, and B. N. 163, L. N. 107).

Replying, Clerk remarked that he had met the Raja of Patiala a number of times in personal conference and had exchanged letters with Maharaja Karim Singh on the subject both previous and subsequent to the receipt of his letter.<sup>1</sup> He, however, found it impossible to induce the Raja to resign his pretensions to more of the territory in question than had been awarded to him by Conolly's decision.<sup>2</sup> It was unnecessary to give the details of several discussions that Clerk had with the Maharaja and his agents. Their substance was that Conolly, like Bell, had adjudicated without making proper investigations and that he had not acquired all the information regarding tracts adjudged by Bell to the British Government, which was necessary to form a correct view of the whole question. Clerk declared that the findings of Bell had been on an 'ex parte' nature as he had not the means of hearing any other evidence.<sup>3</sup> He concluded by saying that it was very difficult to attain a final adjustment of the case and that the only alternative that he could recommend was the reinvestigation by Conolly of the remaining parts in the same manner as he had inquired into a considerable portion.<sup>4</sup>

Again, Clerk was of the view that what had already been adjudged to Patiala should be occupied by the officials of that state, as it would relieve their own officers and was desirable for purposes of Police. Unfortunately the Raja was disinclined to accept the territory, unless he was allowed to adduce evidence in support of his claims to

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1. Clerk to Thomason, March 19, 1841, B. N. 83, L. N. 171.

2. As already observed, Conolly had been appointed to effect some sort of compromise with Patiala.

3. The defect was, as Clerk pointed out, that Bell had gone on with his work on the disputed frontier and at Simla, although the Patiala authorities had refused to associate their agents with him. The proceedings should have ceased until the Raja had been either persuaded or compelled to appoint his agents.

4. Captain W. Brown had been appointed to survey the Bhatti country in September 1840 (B.N. 127, L.N.36).

tracts still retained by the British.<sup>1</sup> Clerk added that if Government considered Patiala not entitled to any further hearing in the case, the Raja should be apprised that in the event of his not receiving charge of the territory unconditionally within a certain period, he would forfeit the arrears of revenue, which were to be paid to him. The other Chiefs concerned in the case were willing to receive what had been assigned to them out of the disputed territory.

A few days later, Clerk addressed a despatch to Robinson, Superintendent, Bhatti territory, on the subject of boundaries between the Sikh States and the Hariana villages.<sup>2</sup> He expressed himself in favour of a decision by arbitration which appeared to him a more satisfactory mode of adjustment than the equal partition decreed by the Superintendent.<sup>3</sup>

In regard to his complaint that the Raja of Patiala was delaying to send an agent to him, Clerk wrote that it was caused by the Raja's apprehensions that doing so would be an abandonment of his claim "to the possession of these lands which it is now proposed to survey as belonging to the British Government". He added that he would require the Patiala Government to abide by decision of the boundary, which had been agreed to by the zamindars and defined by the Panchayats.<sup>4</sup>

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1. Clerk to Thomason, March 19, 1841. B.N. 83, L.N. 171.

2. Clerk to Robinson, March 29, 1841, B.N. 83, L.N. 172.

3. Clerk declared that the decisions made by arbitration were permanent and quoted the example of Kot Kapura and the Protected Sikh States between whom the most obstinate and violent boundary dispute had been settled in that way. He added : "Being their own system they like it and though they may suffer, they will generally respect it . . . . . The suspension of a survey is comparatively of little importance when the object of delay is to lay down a satisfactory boundary between two countries whose people have for centuries been accustomed to border feuds.

4. As Robinson pointed out, Clerk could not persuade the Raja to agree. (B. N. 132. p. 12-14).



It is no wonder that Government seemed to have become tired of Patiala's attitude, for in August 1841, Thomason wrote to Clerk to ascertain if the Raja of Patiala meant to accept the award in dispute, as the uncertainty was prejudicial to the prosperity of the country.<sup>2</sup> He further observed: "His Honour has long been convinced of the prejudicial effect, which must be produced on the prosperity of the country and welfare of the people by the continuance of the discussion with the Patiala Raja on the subject of the boundary. The final decision of the Local Government has now been pronounced and confirmed by the Supreme Government. The Patiala Raja has been called upon at once to say whether he will accept or reject these terms; and has been warned, that unless he quickly accepts them, they will be considered cancelled. This course has been approved by the Supreme Government".

"No intimation, however, of the resolution, of the Patiala Government has yet been received and His Honour feels that the interests of the inhabitants of this tract of land imperatively demand a speedy and final decision".

"You are now requested to take the subject again into your consideration and explain to the Raja the necessity for an early declaration of the course which he intends to pursue and to report the result ....."

This letter seemed to have produced some effect on the Raja who moderated his demand with the result that some villages on the Haryana frontier were restored to him and other Chiefs; in December 1841, the new Secretary at Agra, asked Clerk to depute an Amin to assist the Collector at Haryana in transferring the lands awarded by

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2. Thomason to Clerk, August 7, 1841, B. N. 129, L. N. 132.

Conolly and approved by the Lieutenant-Governor.<sup>1</sup> In this connection, some land in the Hissar district was also transferred to the Chiefs and the boundary line in Haryana was thus more or less fixed.<sup>2</sup>

However, the Bhatti boundary was not settled as in 1842. Hamilton appealed to Clerk to remove every obstacle to the speedy termination of the dispute<sup>3</sup>. He also referred to the appointment of Robinson as an assistant under Clerk who was expected "to employ that officers' services effectually in connection with this duty" and forwarded

1. Hamilton to Clerk, December 27, 1841, B. N. 128, L.N. 252.

Hamilton to Metcalfe, December 27, 1841, B. N. 128, p. 532.

On December 12, 1841, Clerk reported to Thomason that he had already instructed his assistant, Greathed, to make over to Patiala the villages allotted to him by Conolly. (B. N. 152, p. 237).

Again Clerk wrote to the Collector at Haryana, that he had deputed two Amins to assist in making over charge of the villages, to be ceded to the several Sikh authorities, according to Conolly's decision. (B. N. 86, L. N. 318, January 17, 1842).

The Collector informed Clerk that he had been instructed to carry into effect Conolly's decision and requested him to send an Amin (B. N. 55, L. N. 23, January 19, 1842) and Clerk wrote back that he had already despatched two Amins to assist him in the decision regarding the land in dispute between Patiala and Government. (B. N. 86, L. N. 346, January 31, 1842).

2. The Collector asked Clerk to direct the Patiala, Nabha, and Kaithal Chiefs to acknowledge that they had received those lands (B. N. 55, L. N. 183). As Robinson wrote to Metcalfe, the Hissar boundary was defined as fixed. (B. N. 132, p. 12-14).

3. Hamilton to Clerk, January 17, 1842, B. N. 132, L. N. 9.

a copy of the former's letter addressed to Metcalfe, in explanation of the causes of delay in carrying into effect the wishes of Government as

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1. Robinson to Metcalfe, December 31, 1841, B. N. 132, p. 12.—14.

The letter of Robinson is important because it tells us the position in which this long dispute is left by Clerk. There is no other reference to it after June 1842; Clerk went over to Lahore as Envoy in October of the same year and afterwards left the Punjab for good in June 1843.

Robinson wrote to Metcalfe: "If a reference is made to Mr. Conolly's report of the 23rd of May and Government resolution thereon, it will be seen that the Hissar boundaries were defined and a survey completed during the period of that officer's deputation, but for my district it was proposed to give up all those villages lying north and east of a line drawn from Gudha to Abohar. Mr Conolly, however, explained that as a preliminary measure the whole frontier must be surveyed, after which I was, in conformity with his views to mark the tract of country for relinquishment and submit my report to Government.

During the last year, I was engaged in such boundaries as the Sikh Chief would allow me to define and such as I had finished were surveyed by Captain Brown but a line of nearly thirty miles remains to be completed and accordingly that officer intends shortly sending one of his assistants to undertake the same, on receipt of the map.... I shall submit my report to Government which will enable of their passing final orders but at present it is quite impossible to say what villages will be retained or given up."

In regard to the attitude of the Chiefs, Robinson informed Metcalfe that all except the Chiefs of Kaithal and the Shahid Sardar had refused to depute their agents—for example, Nabha did not send any agent; similarly Patiala withdrew her own deputy and refused to send any other. This was responsible for inordinate delay and, according to Robinson, the Chiefs had no right to expect a speedy relinquishment of their villages when his sincere efforts to promote their interests were met by a most unworthy spirit of opposition on their part.

*(Continued on next page)*

far as his district was concerned.

## 2. Dispute over Lashkar Khan Ki Serai between Patiala and the British Government.

The estate known as Lashkar Khan Ki Serai had been given to the two widows of Sardar Mohar Singh Nishanwala.....Varai and Bhagan. In January 1829, Murray had reported the death of Bhagan, the last of the widows, who had left a childless daughter married to a zamindar at Amritsar. Consequently, there were no heirs to this estate and Murray had taken possession of it<sup>2</sup>.

*(Continued from page 319)*

That the boundary was not fixed in Richmond's time and that the Raja of Patiala remained thoroughly dissatisfied with the award and was not willing to exchange any village even in Hariana for the sake of a more regular boundary on that border would be clear from the following letter of Richmond, dated September 4, 1844 :—

“ Mr. Conolly's decision was approved in 1840 and what attempts my predecessor may have made to induce the Raja of Patiala to agree to an exchange must have been as unsuccessful as my own. I addressed the Raja on the subject in the month of February last and also explained our wishes at length to the agents.....I asked the Raja to write finally whatever he wished to urge on the question generally as continued doubt and delay was inadvisable . . . he will not agree to the exchange desired and that he continues to brood over what he considers a deprivation of territory, The Raja thinks that to exchange villages which he looks as rightfully his own should be a relinquishment of his claims.

I take the opportunity of calling to your remembrance that no final orders have yet been received with regard to the boundary of Bhattiana and the Protected States and that many villages which it was proposed to restore are still under sequestration”. (B N. 160, L.N. 47).

1. In the absence of any other relevant letters, I have to leave this dispute here with the boundary, especially of Bhattiana unsettled and Raja Karam Singh of Patiala sullen and angry at the attitude of the British Government.
2. Clerk to Martin, September 26, 1831, B.N. 77, L.N. 76.

Colebrooke to Murray, January 10, 1829, B.N. 29, L.N. 6.

Murray to Colebrooke, February 5, 1829, B.N. 75, L.N. 263.



The estate comprised the village of Dudla near Ambala and several other villages, situated about forty miles to the north-west of Ambala. These distant villages were held in co-parceny with Patiala; Clerk pointed out that Murray had proposed to report again on the subject of their exchange with villages of Patiala, situated near Ambala. Further, Murray had been of the opinion that the share of Bhagan should be given to Patiala on Rs. 2100 a year, as the British management might prove expensive.<sup>1</sup>

Clerk informed Martin, the Resident at Delhi, that Dudla had been taken over by Government but the escheat of Lashkar Khan Ki Serai and its dependent villages remained in abeyance, on account of the claims of the Raja of Patiala. Only a Chavansi of the Agency had been stationed there to receive the revenue and keep it in deposit. Talking about the claim of the Raja, Clerk observed that he was basing his claim on a letter of Birch apprising him that on the demise of the widow, the estate would revert to him. An order to this effect had actually been passed by Birch and Ross<sup>2</sup>, and Clerk acknowledged that the copy of the former's letter was in his office.

According to Clerk, the basis of Patiala's claim should be the states of the estate in 1809, when the British control was extended to the Cis-Sutlej Chiefs. As Clerk pointed out, it was not asserted by the Raja that he was in actual possession of it. Had he been able to do so successfully, his claim would have been admitted according to the principles which had guided the decision of the Government in such cases<sup>3</sup>. Further evidence might be sought about the position of the

1. Murray to Colebrooke, February 16, 1829, B.N. 75, L.N. 299.

2. Clerk to Martin, September 26, 1831, B.N. 77, L.N. 78.

Clerk also forwarded a statement submitted by Patiala ruler with his own comments (p. 70—74).

3. Clerk was the view that the determination of this matter, trifling as it might appear to be, involved a point deserving of some consideration.

estate in 1809. Clerk, like Murray, suggested that Lashkar Khan Ki Serai might be treated as an escheat by Government which might then exchange it for villages belonging to Patiala in the vicinity of Ambala. This would enable the Raja of Patiala at a very cheap price, though not exactly in his own way, to succeed to Bhagan's share of Lashkar Khan Ki Serai. Clerk also reported that there were many Persian records in the office which contained references on the late widow's part to the local British authorities for protection against the encroachment of Patiala on her rights. Writing to Prinsep, Secretary to the Governor General, Clerk acknowledged the two Kharitas sent by the Raja of Patiala but even after reading them, his view about Lashkar Khan Ki Serai remained unchanged.<sup>1</sup> The Chief could not prove that the estate was in Patiala's possession in 1809, when it sought the British Protection. With regard to the Raja's declaration of the anguish and degradation that he would suffer in the event of his not obtaining the property in dispute, Clerk observed: "There are other Chiefs of his equality who would on the same ground feel degraded as the British Government in 1809 guaranteed Patiala against all claims on such of his possessions as had previously been wrested from others." The Resident, in acknowledging the receipt of Clerk's letter of the 26th September, agreed with him that the determination of the question at issue depended upon the state of possession in 1809<sup>2</sup>. He went on to say that he "should have considered the reinstatement of the widow Varai by Sir David Ochterlony who is known to have entertained a strong predilection in favour of the Patiala Raja and to have been very jealous of the security of the rights of that state as conclusive proof of the fact of the possession at that time if the orders of Captains Birch and Ross... did not appear to be inconsistent with it". Finally, he admitted that there certainly appeared to be "strong presumptive grounds" for questioning the justice of the Raja's claim.

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1. Clerk to Prinsep, September 30, 1831, B.N. 77, L.N. 83.

2. Martin to Clerk, October 3, 1831, B.N. 31, L.N. 73.

Clerk replied to the Resident in October, 1831.<sup>1</sup> He informed him that the orders passed by Birch and Ross in the case of Lashkar Khan Ki Serai did not appear to have been the result of any reference to higher authority nor subsequently to have received such confirmation. Clerk thought that Ross's letter did not contain any declaration similar to that which appeared in the order passed by Birch.....the one favourable to the claim of Patiala. The purport of Ross's letter was to induce the withdrawal of Patiala sepoys from the Serai saying that such interference on the part of the Raja could only have been had recourse to in aid of the widow's obligation to protect travellers on the road. The Raja was plainly told in the letter that until that period his forces had never been stationed in the Serai.

About the letter of Diwan Mokham Chand, the general of Maharaja Ranjit Singh, it seemed to be written in defence of his having previously re-instated Gurmukh Singh, the son of Mohar Singh Nishanwala, asserting that there was no violence or injustice in such a measure and therefore implying that Gurmukh Singh, who was the son of that Chief and Varai, was supported by him only in what was right and proper. The account of Barkat Ullah Munshi made the period of its recovery by Patiala subsequent to Metcalfe's mission to Lahore. As Patiala did not attempt to prove possession of the property at the period of coming under British Protection, Clerk said that it might be presumed that no such proof existed.

Martin wrote to Clerk in October, 1831,<sup>2</sup> wishing him to obtain, if possible, a copy of any proceeding which might have been held by

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1. Clerk to Martin, October, 18, 1831, B.N. 77, L.N. 96.

2. Martin to Clerk, October 27, 1831, B.N. 31, L.N. 83.

Ochterlony on re-instating the widow of Mohar Singh in possession of Lashkar Khan Ki Serai. If there be such a document, Martin believed, an examination of it would at once determine the question respecting the claim of the Raja of Patiala which appeared to be corroborated by the tenor of Birch's letter. Referring to Ochterlony's decision, Birch had concluded that the award provided only for the life tenure of the Sardarni. It seemed unlikely as Martin remarked that Birch would have so expressly admitted the Raja's eventual right to the possession of the Serai. Ross had also been of the same opinion but Clerk was asked to ascertain the point. Ochterlony's decision must have been based on consideration of the state of possession of 1809.

In November 1831<sup>1</sup>, Prinsep addressed Clerk on the subject of the claims of Patiala ; the Governor-General had no intention to interfere with the course which Clerk was thinking of pursuing in respect to the village in question or with his proceedings of the investigation of the claims of all parties.

It was in April 1832<sup>2</sup>, that Clerk addressed a letter to Fraser, the new Resident<sup>3</sup>, on the subject of the lapsed share of Lashkar Khan Ki Serai. Clerk also forwarded an urgent appeal from the Raja of Patiala who had been prompted to the course by finding him adamant in the matter of the right of the British Government to consider the disputed share of Lashkar Khan Ki Serai as an escheat. According to Clerk, the Raja was still anxious to recover possession of the lands in question.

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1. Prinsep to Clerk, November 12, 1831, B.N. 31, L.N. 89.

2. Clerk to Fraser, April 10, 1832, B.N. 78, L.N. 19.

3. Fraser took charge on March 10, 1832.



Clerk again pointed out how Murray had recommended that the lapsed estate should be restored to Patiala in lieu of villages of the state, that might be in the vicinity of Ambala and yield an equal revenue<sup>1</sup>. Unfortunately the Raja did not appear to be reconciled to such an arrangement ; he was not averse to giving some compensation, though not in land. Clerk suggested that the Raja should be asked by Government to build a bridge over the river Ghaggar, the necessity for which was greatly felt by the people.

In April 1832<sup>2</sup>, Fraser asked information about certain points. For example, he wanted copies of statements furnished by the late widows of Mohar Singh and the Raja of Patiala at different times ; he also required Clerk to provide him with copies of representation made by the late widows against the Patiala officers in the time of Ochterlony. Fraser also advised Clerk to take the evidence of the old servants of the widows and of old family 'Mutsaddis', provided that they had not been bribed by the opposite party. Clerk was also asked to find out the proportion in which the revenue had been shared among the two coparceners and to whom the right of local rule and authority had belonged and how it had been exercised.

Clerk submitted his reply in May 1832<sup>3</sup>, with all the documents relating to the estate in dispute. In regard to the shares of the collection realized by Patiala or Varai, they had varied. At one time the latter received the moiety, after which Patiala usurped three-fourths ; subsequently, through the help of the local British authorities, the

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1. The revenue was about Rs. 2000 per annum. (B.N. 78, L.N. 19).
  2. Fraser to Clerk, April 23, 1832, B.N. 32, L.N. 18.
  3. Clerk to Fraser, May 31, 1832, B.N. 78, L.N. 30.

The designation of the Resident at Delhi, was changed to the Agent, Governor-General, Delhi, from May 1, 1832.

widow's share was fixed at six annas in the rupee<sup>1</sup>. Clerk also sent a brief account received from a Mohammadan which might be considered as establishing the right of the widows to that degree of authority, in maintaining which they had been repeatedly supported by the countenance and the direct interference of British authority, the most marked instance of which was the removal by orders of Ross of the Patiala sepoy, from the Serai, at the instance of the widows.

About six months later, Clerk addressed another letter to Fraser<sup>2</sup> in which he said that the question regarding the share in the revenue of the estate of Lashkar Khan had not been decided till that time. Moreover, the claim of Government, which was being disputed by Patiala had been under discussion for the past four years, but no decision had been arrived at. That was leading to unpleasant relations between the two governments. As Clerk remarked : ' The claim with which Patiala clings to his supposed right to the control and possession of this portion of the state also are the occasion at times of unpleasant alteration between him and the manager on the part of the British Government.'

However, Government ultimately decided on keeping its lapsed share in Lashkar Khan Ki Serai under its own control, inspite of

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1. Clerk gave a detailed account of the four villages.....Lashkar Khan Ki Serai, Raipur, Chuk and Itana..... the mode of collection of revenue and the share of Patiala State, (B.N, 78, p. 72--77).
  2. Clerk to Fraser, December 15, 1832, B. N. 78, L. N. 83.

Clerk's recommendation to the contrary. On July 1, 1835,<sup>1</sup> Metcalfe forwarded a letter to Clerk from the Secretary at Agra in which the Lieutenant-Governor sanctioned the annexation.

About three years later, Clerk again wrote to Metcalfe about Lashkar Khàn Ki Serai.<sup>2</sup> He said that he had been pressed by the Raja of Patiala to bring to the notice of Government once again the subject of the estate. He also forwarded the copies of correspondence since its escheat. As already mentioned, for the escheat being relinquished to Patiala, the Raja had proposed to build a bridge over the Ghaggar where it intersected the high military road from Karnal to Ludhiana. Clerk went on to say that Ochterlony had been in favour of constructing such a bridge but the estimate, about Rs. 40,000, caused the scheme to be abandoned. He, therefore, recommended that the Serai should be given to Patiala on his promising to build the bridge but wanted Government to stipulate that the Raja could not levy any duty in the ceded territory. Of course, in the village of Dudla, the Raja had no pretensions.

Metcalfe wrote back<sup>3</sup> to say that Clerk should furnish him with copies of letters subsequent to Fraser's letter of August 6, 1834, before getting the orders of Government.

1. Metcalfe to Clerk, July 1, 1835, B. N. 36, L. N. 32.

Scott to Metcalfe, June 24, 1835, B. N. 35, p. 281.

Fraser had addressed a letter to Macnaghten in which he had pointed out why he had recommended the annexation of the lapsed share in Lashkar Khan. He said that the place was situated on the great North-West military road which should be brought as far as possible under the direct control of Government. Moreover, the sale of the estate to Patiala would be an act of injustice to about five hundred families who desired to live under the British control.

Fraser to Clerk, March 3, 1834, B. N. 34, L. N. 2.

Fraser to Macnaghten, March 1, 1834, B. N. 34, p. 63.

Clerk to Metcalfe, August 23, 1838, B. N. 83, L. N. 82.

2. Metcalfe to Clerk, September 17, B. N. 38, L. N. 63.

The question was settled finally in March 1839. Metcalfe forwarded a letter from Maddock in which the Governor-General declined acceding to the application of the Raja of Patiala to make over to him the rights of the British Government in Lashkar Khan Ki Serai. His Lordship pointed out that the Court of Directors would disapprove of the proposal. In regard to constructing a bridge across the Ghaggar, the Governor-General declared that Government was not prepared to pay the whole of the expense of a work which would be done in the name of the Raja of Patiala and that if he so desired, he could build it at his own expense.<sup>1</sup>

### 3. British Government and the Raja of Sirmur or Nahan.

It was in October 1831<sup>2</sup>; that Clerk addressed a letter to Prinsep on the subject of certain requests made to the Governor-General by the Raja of Sirmur<sup>3</sup>. Talking of the two parganas of Jansar and Bhawar, which had been occupied in 1815 after the Gurkha war by the British, Clerk could not understand the motive of retaining them. It did not appear that consideration of military nature was the inducement, as no British posts were stationed any where in those parganas including the Kiarda valley. The revenue from these tracts amounted to about Rs. 13,000 per annum. It had also been stated that all or part of these districts would be restored to the ruler at his attaining the age of discretion. If that was the case, Clerk was ready to believe that these districts might have been retained in lieu of tribute which could not have been so punctually realized from Sirmur, on account of its ruler's minority and the disordered state of the country.<sup>4</sup>

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1. Metcalfe to Clerk, March 21, 1838, B. N. 39, L. N. 13.

Maddock to Metcalfe, March 20, 1839, B. N. 39, p. 145.

2. Clerk to Prinsep, October 10, 1831, B. N. 77, L. N. 90.

3. The Governor-General had asked Clerk to report officially the Nahan Raja's offer to take the Kiarda valley and also to give a history of its management. (B. N. 31, L. N. 42). For earlier correspondence see :— B. N. 18, L. N. 193, B. N. 21, L. N. 95, B. N. 27, L. N. 66 and 180, B. N. 17, L. N. 111, B. N. 27, L. N. 65.

The Supreme Government was not anxious to transfer either the parganas or the valley. Later on, it changed its view as far as the latter was concerned.

4. Clerk to Prinsep, October 10, 1831, B. N. 77, L. N. 90.



The ruler, being of age, was willing to offer a 'nazrana' for the restoration of these districts. Clerk said that if the Raja were willing to offer an annual or fixed tribute, his request should not be considered unreasonable.<sup>1</sup> But the 'Sanad' restoring a portion of the old Sirmur State to the Raja did not warrant any such implication. On the contrary, it declared, after detailing the several places, which had been separated from the state, that the Raja was "never even to desire" to recover them. Clerk felt that it was from motives of humanity perhaps that Government did not like the people of the Parganas to be given back to the rule of the Nahan Raja. According to him, the happiness and prosperity of the people of Jausar and Bhawar seemed to be incumbent on the British Government, as they had been very loyal in the days of the Gurkha War.<sup>2</sup> But this consideration could not be

1. Clerk referred to a despatch of July 27, 1815, which contained a recommendation favourable to such a proposal in the following words :—

".....that in the fact if at any time during the minority or his attaining the age of maturity, the care and attention of the controlling administration should have enabled them to raise or command the sum of two lakhs of rupees, the payment of that sum towards the liquidation of the great expense incurred in effecting the restoration of the family without the slightest exertion or contribution of any kind on their part should be considered to exempt them from all future tribute whatever".

2. Clerk quoted an extract from the Chief Secretary to Government, dated May 23, 1815. It was, as follows :—

"The people of this district acted with more zeal and spirit and apparent sincerity against the Gurkhas than almost any other class of persons in that quarter. On this account, it will be proper to secure to them the enjoyment of all their just rights and privileges and a stipulation to this effect should be entered into with the Government of the Sirmur in their favour".

applicable to the retention of the Kiardadun where comparatively there were fewer inhabitants to transfer.<sup>1</sup> Unfortunately the ruler was not prepared to accept Kiardadun alone ; he wanted Jausar and Bhawar also. It depended on Government whether these districts should be ceded or not ; if they were given back, the danger was that they might be again abandoned and reduced to utter desolation. Moreover, the construction of a new road through the valley had rendered it more frequented by travellers and merchants.<sup>2</sup>

Raja Fateh Parkash also laid claim to the following territories<sup>3</sup>:—

1. Clerk to Prinsep, October 10, 1831, B.N. 77, L.N. 90.

Clerk also traced the early history of these districts. He said that once these districts yielded about Rs. 40,000 a year and comprised 80 villages. They were laid waste by Najib Khan, one of the ministers of Shah Alam and revenue fell to about Rs. 2,000 per annum. The Sikhs also plundered these districts ; in 1808 (Sambat 1865), the Gurkhas occupied it. After the defeat of the Gurkhas in 1815, these tracts came to be occupied by the British Government. Till 1824, they were farmed out to the Raja of Sirmur when Murray reported that in consequence of the Raja's oppression, the valley had deteriorated greatly and the population had decreased. He had resumed the tracts on behalf of the British Government. Earlier also Birch had declared himself in favour of retraining Kiardadun. The Kiarda valley was described by Clerk, as being a beautiful and fertile valley—22 miles long and about 3 miles wide, yielding every kind of grain.

2. Clerk pointed out that no improvement had resulted even from British rule, although Government had imposed light taxation and abolished the customs-duties. Fever and other diseases were prevalent, making the hill unhealthy.
3. Clerk to Prinsep, October 10, 1831, B.N. 77, L.N. 90.

(a) **Jubbal.** It had formerly belonged to the Raja of Sirmur and under the Gurkhas paid a revenue of Rs. 15,000 a year. By the orders of Government dated March 7, 1815, the Chiefs of Jubbal were promised that their independence would be guaranteed if they exerted themselves against the Gurkhas. As they had done their best to aid the British, this promise was directed to be performed by the instructions of May 23, 1815. But the Thakur of Jubbal requested to be placed under the over-lordship of Sirmur. The idea was that the disorganized and reduced means of Sirmur would render the supremacy of that power merely nominal. Even after the separation of Jubbal, the Thakurs had persisted in affirming their allegiance to Sirmur. That was why Ochterlony had recommended it; Government had agreed but the proposal had not been carried into effect as later on Ochterlony became dissatisfied with the conduct of the Regency at Sirmur<sup>1</sup> and so refused to sanction the measure. Clerk suggested that the disposition of the Thakur of Jubbal towards Sirmur should be ascertained and if no obstacles to the renewal of such allegiance could arise from any engagements that might have been contracted between Jubbal and the British Government, the Governor-General might see no objection in entertaining the proposal of the Raja of Sirmur.

(b) **Uraj or Utraj.** The independence of this tract had been recognized on consideration similar to that of Jubbal. Originally belonging to Sirmur, the zamindars or Thakurs were given independent possession by Government by instructions of June 11, 1885. If the Thakur of Jubbal expressed a desire to own allegiance to Sirmur to hinge on the fealty of Utraj to himself, the arrangement could not take effect without the full consent of Utraj.

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1. The Raja was a minor when his father died, he was invested with full powers only in 1827.

(c) **Ramgarh.** The Sirmur Raja claimed the allegiance of the Ramgarhias on the plea of their having formerly held the Taaluq as a Chief of Sirmur. They had availed themselves of the misfortunes of the Raja's father to rebel and assert their independence.

(d) **Pundar.** The Raja requested that it might be ceded to him as it had belonged to his ancestors. Clerk added that under Ochterlony's orders, it had been ceded to Keonthal.

(e) **Morni.** It formerly belonged to the state of Sirmur but had been given to the Mir of Kotahi by Government.<sup>1</sup>

(f) **Pinjor.** The Raja said that the Ilaqa had been given by this father "to his powerful friend and ally, the Raja of Patiala" to preserve for him.

(g) **Humer and Ganjari.** These were also claimed by the Raja, but Clerk wrote that they had been given to the state of Keonthal, and that there was a copy of such a 'Sanad' in the Agency Office.

Clerk commented on the claims of the Raja. About Ramgarh, Government had rejected the claim of Sirmur as Maldeo and Narain Das had occupied it long before Metcalfe's mission. Pundar had been annexed to Keonthal, although there was no record in the Agency; Humer and Ganjari had also been ceded to Keonthal; in regard to the Ilaqa of Morni, it had been restored to Syed Jafar, the representative of the Mussalman family which formerly possessed it. As far as Pinjor was concerned, it might have been lost in the way described by Raja Fateh Parkash. Raja Sahib Singh of Patiala obtained the permission of Louis

1. Mir Jaffar Ullah Khan of Kotahi had been confirmed in its possession "as a mark of favourable opinion" which the British Government had formed of his conduct during the Gurkha War (B.N. 77, L N. 95).



Burgoyne in appropriating it in 1801. However, that might have been, Pinjor passed to the Raja of Patiala who had been long in possession of it when the Cis Sutlej Chiefs were taken under the British protection in 1809,<sup>1</sup> and so Patiala's claim could not be questioned.

Prinsep replied in a letter dated November 12, 1831.<sup>2</sup> The Supreme Government was not in favour of restoring Jausar and Bhawar to the Sirmur State. As Prinsep remarked; "His Lordship can not recognise the validity of the claim preferred by the Raja on the ground of the recommendation of Sir David Ochterlony..... On the contrary, the claims established by those who have held or acquired interest on the two Parganas pending a direct management by the officers of the Government for sixteen years are opposed to any present cession or transfer and his Lordship is compelled to decline encouraging the Raja's application." It was also noted by Government that the Raja was not anxious to have the Kiarda valley without Jausar and Bhawar, meanwhile Clerk was directed to re-establish the transit-duties and adopt other means for the improvement of the valley.

In regard to the claims preferred by the Raja to the territory granted to or otherwise in the possession of other Chiefs, Government refused to recognise them; as far as Jubbal was concerned, if its Chief petitioned to be placed under Sirmur, Government was prepared to comply with such an application; this, as Government pointed out, would in no way comprehend Utraj, of which the independence had been fully recognised.<sup>3</sup>

1. Clerk to Prinsep, October 10, 1831, B.N. 77, L.N. 90.
2. Prinsep to Clerk, November 12, 1831, B.N. 31, L.N. 91.
3. Ibid.

The Governor-General wanted that the Valley should be given on a long lease "on easy terms to any person of property who may be inclined to settle and lay out capital on the tract". But no such person appeared to come forward.

In August 1832,<sup>1</sup> Clerk addressed a letter to Macnaghten about the two Parganas and Kiardadun. The Raja of Sirmur made an offer about the districts; he was prepared to pay a 'nazrana' of Rs. 175,000 for Jausar and Bhawar, and Rs. 50,000 for Kiarda Valley. Clerk recommended the Supreme Government to accept the offer as the tracts were not remunerative.

However, Government agreed to the cession of Kiardadun only. Fraser sent a letter of the Secretary, Government of India, which authorised Clerk to transfer the Kiardadun "in full and perpetual sovereignty" to the Raja of Nahan upon payment by the Chief into Ambala treasury of Rs. 53,000.<sup>2</sup> Clerk in a letter of February 14, 1833, forwarded a letter of the ruler requesting to be furnished with a

1. Clerk to Macnaghten, August 14, 1832, B.N. 78, L.N. 51.

Clerk sent the letter of Sirmur Chief of August 12, 1832 in which the letter had made the offer and also a letter of Ochterlony dated October 13, 1816, offering advice to the then ruler (B.N. 78, p. 109).

2. Fraser to Clerk, October 24, 1832, B.N. 32, L.N. 97.

Macnaghten to Fraser ,, 10, ,, ,, p. 348.

Clerk to Macnaghten, August 14, ,, ,, p. 349-50.

Sirmur to Clerk, August 14, ,, ,, p. 350-52.

Ochterlony to Sirmur Dec : 13, 1816, ,, p. 352.

Macnaghten to Swinton, Aug: 20, 1832, ,, p. 353-54.

Swinton to Macnaghten, Sep: 17, ,, ,, p. 355.

Trevelyan to Swinton, Aug: 22, ,, ,, L.N. 67A.

Trevelyan to Clerk, ,, ,, ,, p. 234-53.

(Continued on next page)

' Sanad ' conferring the valley on him and his heirs in perpetuity.<sup>1</sup> So Kiardadun passed to Fateh Parkash.

Though Government of India turned down the proposal of the Raja of Nahan as far as the Parganas of Jausar and Bhawar were concerned, still he cherished a fond hope of recovering them. As late as April 1844, we discover a letter of Richmond, the Political Agent, in place of Clerk, to Thornton, Secretary, North-West Provinces in which he forwarded the request of the Raja of Nahan to recover the two Parganas for which he was ready to pay a ' nazrana ' of three lakhs of rupees<sup>2</sup>.

*(Continued from page 334)*

Trevelyan wrote to Swinton that, as no person had come forward to take the Kiarda Valley on lease, the Governor-General was inclined to accept the Raja's offer. As the Raja was in a position to undertake the task of clearing and cultivating the valley, it was being offered to him ; moreover, the large 'nazrana' offered by him amounting to 50 years purchase, afforded an earnest of the value which he attached to the possession.

He observed to Clerk : "I think this will do for Fateh Parkash..... you had better tell him that he will now have a fine opportunity for showing his talents in 'Abadi' and 'Parwarish' of the 'Riaya'..... and if he distinguished himself in restoring the Kiardadun, it will form a strong ground of claim to get back his other possessions and if he fails in the Dun, he has no chance of getting the others back. This will really be an useful object for the Raja to expend his accumulated boards upon '.

1. Clerk to Fraser, February 14, 1833, B.N. 79, L.N. 2.
2. Richmond to Thornton, April 9, 1844, B.N. 88, L.N. 126.

Richmond wrote to Erskine that financial considerations had had some influence in the surrender of Kiardadun to the Raja as he had offered Rs.50,000 for a tract of land yielding only Rs. 1,000 a year, while he was offering only two lakhs of rupees for districts yielding Rs. 20,000 a year. Another considera-

*(Continued on next page)*

#### (4) The British Government versus the Kunjpura Chief and the Kheri Sikhs.

The village of Singhawa in Karnal partly belonged to the Sikhs and partly to the Nawab of Kunjpura. The British had appropriated the Kunjpura moiety of Singhawa and so the Nawabs had been trying to have it back. Murray had written to the Resident at Delhi that the resumption of the Pathan moiety of Singhawa appeared to have been a mistake and so it should be restored to Ghulam Ali Khan of Kunjpura with the rents which had been collected.<sup>1</sup> A few months later he again addressed the Resident on the same subject.<sup>2</sup>

Clerk took up the question in January 1832, when a reference was made to him by Government 'on the subject of the mistake supposed to have been made in the resumption of half of the village Singhawa, Pargana Karnal, belonging to the late Nawab Bahadur Jang Khan of

*(Continued from page 335)*

tion was the improvement in the Kiarda Valley and the Raja had to show that the Valley had really prospered. According to him, if he were to offer either a bigger 'nazrana' or a larger tribute, Government would be prepared to listen favourably to his wishes. Unfortunately, Richmond proved to be over-sanguine, as in spite of the offer of increased 'nazrana' and the improvement in the Kiarda valley as borne out by Erskine, Government finally refused the Raja's request although "hopes appear to have been held out to him that all the retained districts might hereafter be restored to the family".

Erskine to Richmond, February 7, 1844, B.N. 51, L.N. 10.

Richmond to Erskine, February 17, .. B.N. 88, L.N. 63.

Erskine to Richmond, April 4, .. B.N. 51, L.N. 23.

Richmond to Erskine, May, 25, .. B.N. 88, L.N. 161.

1. Murray to Martin, November 9, 1830, B.N. 76, L.N. 341.

2. .., .., February 11, 1831, B.N. 77, L.N. 7.



Kunjpura''<sup>1</sup>. Clerk quoted a letter of the late Nawab, addressed to Birch in 1818, in which it had been stated that Singhawa for ages formed a part of the ancestral possessions of the Kunjpura family. When the Sikhs attacked Karnal, his ancestor were compelled to confer "half of its produce, without any jurisdiction on the father of Man Singh,<sup>2</sup> in the way of Chauth or Black-mail". This alienated portion of Singhawa belonging to the Sikhs was attached by Fraser in 1815 as he considered Man Singh a dependent of Gurdit Singh of Lalwa. Three other villages — Ramba, Dharar and Randal — had also been attached but were restored to the Ladwa sardar soon after. So Clerk asserted that not only the Nawab's moiety should be restored to him but also the portion of the Sikhs, in the village be given back to the Sikhs. Clerk in this connection referred to a letter of Ghulam Ali Khan of Kunjpura.

It was in August 1835 that Metcalfe forwarded a letter from the Secretary at Agra in which the Lieutenant—Governor considered the Chief of Kunjpura to have a right to the restoration of the moiety since the date of its attachment.<sup>3</sup>

1. Clerk to Martin, January 8, 1832, B.N. 78, L.N. 2.

The reference was made by Swinton to Martin who, in turn, wrote to Clerk. Swinton observed that seven villages in Pargana Karnal had been given as a life grant to Bahadur Jang Khan but no mention had been made of Singhawa or any half of Singhawa and that the Vice-President was not aware how one-half of the village was resumed by Government in 1816 and how the other half came to be in the Nawab's possession. According to him, more inquiry was needed as to why it was supposed to be an hereditary possession not resumable on the death of Bahadur Jang Khan. He added for Martin's information that Colebrooke in 1828 had reported the attachment of 7 1/2 villages in consequence of the death of the Nawab, who had held a life interest in them : Martin to Clerk, December 30, 1831, B.N. 31, L.N. 106.

Swinton to Martin, October 14, 1831, B.N. 31, p. 165-66.

2. He was the Sikh claimant.

3. Metcalfe to Clerk, August 25, 1835, B.N. 35, L.N. 51.

Clerk then took up the question of restoring the other half of Singhawa to the original Sikh owners. In June 1838,<sup>1</sup> he informed Metcalfe that the other moiety of village belonged to the Sikhs of Kheri but had been long in possession of Government. Tracing its early history he said that it in entirety belonged to the Nawab of Kunjpura until 1763, when (soon after the Sikh conquest of the territory lying between the Sutlej and the Jumna) half of it was wrested by the ancestors of the present Sikhs of Kheri. It remained in their possession till 1818 when it was taken by Government under Fraser's order together with the three villages of Gurdit Singh Ladwa. However, the moiety of Singhawa in the possession of the Nawabs of Kunjpura had not been claimed by Government as it was believed to have been included in Lord Lake's life—grant of 7 Karnal villages to Nawab Bahadur Jang Khan. Accordingly, at the Nawab's death in 1828, Fraser took possession of his share also. Thus the whole of the village came in the possession of Government. The Kunjpura moiety was restored to the Nawab on his having proved that it was erroneously included in Lord Lake's grant, but the Sikh moiety remained with Government.

As remarked earlier, the three villages, taken from the Ladwa Sardar, were given back to him in 1818, on his appealing to Government against Fraser's proceedings. But his claim did not include the other

1. Clerk to Metcalfe, June 12, 1838, B.N. 83, L.N. 67.

Metcalfe gave a brief resume of the case of the Sikhs to Government: Singhawa belonged to the Kunjpura Chiefs but during the Sikh anarchy, Nawab Rahmat Ali Khan was compelled to admit Dharmu Singh to a moiety of the estate. It was held in joint tenure until 1816 when the Sikh portion was resumed with the three villages of Dharar, Rumba and Randal on the death of Gurdit Singh of Ladwa. This was under an erroneous impression. In 1814, the three villages were released but half of Singhawa continued in the possession of the British Government. In 1818, Man Singh, son of Dharmu Singh, presented a petition claiming the moiety. Nawab Rahmat Khan acknowledged the justness of the claim but afterwards Man Singh did not press the claim. The latter died in 1821-22 leaving two sons; the eldest Fateh Singh presented a petition on March 5, 1838, praying to be restored to his father's share.

half of Singhawa, which Fraser had attached at the same time. The Kheri Sikhs were poor and when the Ladwa Chief only agreed to help them in their appeal on the condition that they should bind themselves in a written engagement in vassalage to him, they spurned the offer and seemed to have never taken any step to recover their share in the village. But they had presented a petition to Birch in 1818 declaring that their ancestors had obtained the moiety from the Nawabs of Kunjpura about fifty years earlier. Somehow or other, as Clerk pointed out, there was no investigation of their claims; nor did they present any other petition till very lately.<sup>1</sup>

Clerk added that even the Chief of Kunjpura did not claim to recover this moiety of Singhawa although it once belonged to his ancestors. However, he was desirous that he should be permitted to exercise jurisdiction over it. But the testimony of the parties and documents contradicted the Nawab's assertion that his ancestors, in surrendering to the Sikhs the revenues of half of their villages, did not relinquish their jurisdiction over it.

The decision of Government was a foregone conclusion. Metcalfe conveyed it in two letters, dated June 26,<sup>2</sup> and July 23,<sup>3</sup> 1838. The Sikh moiety was to be restored to Sardar Fateh Singh; Clerk was

1. Clerk to Metcalfe, June 12, 1838, B.N. 83, L.N. 67.

2. Metcalfe to Clerk, June 26, 1838, B.N. 38, L.N. 32.

Torrens to Metcalfe, June 16, 1838, B.N. 38, p. 179-80.

Torrens observed: ".....it would appear that the right to the moiety of the above Mauza, not held by the Nawab of Kunjpura is as immediately vested in the Sikhs of Kheri as is the right to the remaining half in the Nawab's family".

3. Metcalfe to Clerk, July 23, 1838, B.N. 38, L.N. 39.

Metcalfe also forwarded a copy of a letter of the Collector of Panipat (B.N. 38, p. 204, July 19, 1838).

On September 14, 1838, Metcalfe suggested that the Collector of Panipat should be asked to discontinue all interference with the Police of the Mauza (B.N. 38, L.N. 60).

instructed to depute an agent on behalf of the Sardar to the Collector of Paripat "to receive charge of half of Singhawa now in possession of Government but originally belongi g to his ancestors." In the second letter, Clerk was ask'd to arrange the partition in conjunction with the Chief of Kunjpura. Thus the whole of Singhawa was returned.....half to the Kunjpura Chief and the other half to th Sikhs of Kheri.

##### 5. The British Government versus Ghulam Nabi Khan and Nizam Ali Khan

In August 1834, Clerk reported to Fraser that he was unable to make any settlement of the villages of Gehar and Churpura altogether satisfactory to Gulam Nabi Khan and Nizam Ali Khan two brothers ... who were co-parceners therein with the British Government.<sup>1</sup>

The desire of the Khans was to retain, if possible, exclusive management of the villages, paying yearly to Government one half of the revenues. But this arrangement was not calculated to benefit the villagers; the zamindars were very averse to relinquishing hopes of obtaining Government's protection, which under the management proposed by the Khans, could not be effectually extended to them. Frasser did not agree with Clerk's proposal and observed in reply: "The best mode .. would be to divide the lands and assess our share or to farm it to Nizam Ali Khan and Gulam Ali Khan for fixed sums. We have no right .. to deprive them of their authority or management over their own shares."<sup>2</sup>

In October 1835,<sup>3</sup> Clerk addressed Metcalfe the new Agent at Delhi, on the same subject. He wrote how Fraser had recommended

1. Clerk to Fraser, August 22, 1834, B.N. 80, L.N. 136.

Its moiety had lapsed to the British with the Thanesar Chiefship in 1832 (B.N. 81, L.N. 122).

2. Fraser to Clerk, September 2, 1834, B.N. 34, p. 376.

3. Clerk to Metcalfe, October 24, 1836, B.N. 81, L.N. 122.



that the lands of the villages of Gehar and Churpur should be divided between Government and Ghulam Nabi Khan and his brother Nizam Ali Khan, and Government's share should be assessed or that it should be framed to the two brothers.

Clerk had visited the villages, with a view to ascertaining their capacities. The zamindars and other people of Gehar did not want to give up the British protection and were so clamorous in their protestations that he had mentioned his apprehensions to Fraser, when he had met him subsequently. Fraser sent for Ghulam Nabi Khan, to whom the moiety of Gehar belonged and directed Clerk to endeavour to assess Rs. 6,000 per annum on the village, Ghulam Nabi Khan was to be given Rs. 4,000 per annum and in consideration of so large a revenue to relinquish his authority in that village. Clerk knew how much the public welfare of Gehar depended on the exclusion of Ghulam Nabi Khan, under whose authority it was rapidly becoming deserted. Therefore, he was at considerable pains to fulfil Fraser's project.<sup>1</sup> Although he was assisted by the real good will of the zamindars, who were apprehensive of losing the British protection, he found that the village could not yield more than Rs. 5,000 a year. On these terms he concluded the settlement for five years, thinking that it was more advantageous to British Government to realise only Rs. 1,000, paying the remainder to Ghulam Nabi Khan and trusting to the prospective advantages of recalling the migrated zamindars than to devolve it entirely on him. Clerk assured Metcalfe that he was not disputing the right of Ghulam Nabi Khan in Gehar but was trying to purchase that right with his goodwill.

With regard to Churpura, Nizam Ali Khan was earnestly trying to remove the difficulty in the way of deterioration of the British portion

<sup>1</sup> Clerk to Metcalfe, October 21, 1835, B.N. 11, L.N. 122.

of the village. Clerk stated that Nizam Ali Khan had never made himself obnoxious to the peasants. He, therefore, recommended that the whole of the village might be given to him and the British Government should receive from him a perpetual fixed rent for its moiety of the village.<sup>1</sup>

Metcalf replied : ".....if Ghulam Nabi Khan will voluntarily resign to us the management of his share of Gehar on the terms recommended by you, I consider the arrangement to be most desirable and you are accordingly authorised to conclude an engagement.. .."

The only difficulty I foresee is that Ghulam Nabi Khan may object to resign his right, if the younger brother continues in the possession of his but this you do not appear to apprehend

With reference to Churpura, I am of opinion that a settlement should be made of Government share with the zamindars according to the rate of assessment fixed for Gehar."<sup>2</sup>

In February 1836,<sup>3</sup> Clerk informed Metcalf that Ghulam Nabi Khan was willing to comply with the terms proposed for his share in Gehar. Thus Churpura was to be managed by Nizam Ali Khan while Gehar was to be under British management

1. Clerk to Metcalf, October 24, 1835, B.N. 81, L.N. 122.
2. Metcalf to Clerk, November 2, 1835, B.N. 35, p. 603-04.
3. Clerk to Metcalf, February 27, 1836, B.N. 82, L.N. 82.

## 6. British Government and Bilaspur.

Clerk's agency saw an interesting development in the affairs of the state of Kahlur or Bilaspur.<sup>1</sup> Its ruler, Raja Kharak Chand, was the son of Mahan Chand, and had ruled since 1824.<sup>2</sup> His reign was perhaps the worst in the annals of the state.

In July 1838,<sup>3</sup> Clerk reported to Metcalfe the sorry state of affairs in Bilaspur, where the Raja was surrounded by the same description of disreputable courtiers and starving soldiers as Murray had found

1. Kahlur was the earlier name of the state; the new name of Bilaspur was adopted when the capital was transferred from Kot-Kahlur to Bilaspur—Hutchinson and Vogel—"History of the Punjab Hill States, Vol. II, page 494".
2. Kharak Chand was born in 1813; the astrologers had predicted that, being born under an unlucky star, he would bring calamity to the state—a prediction fully fulfilled. Mahan Chand was forbidden to see him for twelve years. He was sent to a distant place but was recalled in 1823, two years before the appointed time. The death of Mahan Chand in 1824 was attributed to his non-compliance with the terms of the warning of the astrologers. (*ibid.*, p. 507-08)
3. Clerk to Metcalfe, July 5, 1838, B.N. 83, L.N. 72.

Clerk was asked to visit Bilaspur by the Rajas of Nalagarh and Nahan in order to allay the dissensions prevailing between the Raja and his nobles (B.N. 83, L.N. 71, June 26, 1838).

in 1828.<sup>1</sup> Clerk had visited the state in 1832 and the passage of six years had brought no change in the state of affairs there or in the Raja's habits. Since the death of his able wazir, Sansaru, in 1832, the administration of the state had very seriously deteriorated. Clerk gave a number of instances of the Raja's utter neglect or disregard of the obligation of the state towards the British Government; Ranjit Singh, too, accused him of 'oppressive' conduct.<sup>2</sup>

For improving the state of affairs in Bilaspur, Clerk advised Raja Kharak Chand to have Bishan Singh, the son of Sansaru, as his minister, and tried to reconcile him with his kinsmen. Kharak Chand promised to follow this advice. Clerk, however, thought that a British Officer would have to be appointed to supervise the administration of

1. Murray had been authorised to go to Bilaspur with three companies of 1st Nasiri Battalion in order to quell a disturbance there; Government also asked him to submit proposals for the future government of the state.

B.N. 27, L.L.N. 206 and 215, August 27, and September 4, 1827.

B.N. 27, L.N. 234, September 24, 1827.

In a letter of November 3, 1827, Murray described how he visited Bilaspur, where he found a considerable body of mercenaries, who were discharged by him. He reinstated Mian Miri and Sansaru in authority. According to him the Raja "continued his puerile amusements" but Murray severely admonished him and he promised to improve his behaviour. (B.N. 74, L.N. 183). The visit came in 1827 and not in 1828, as asserted by Clerk.

2. Clerk to Metcalfe, July 5, 1838, B.N. 83, L.N. 72.

In 1835, Wade had forwarded a letter of Ranjit Singh complaining of the reckless and oppressive conduct of Raja Kharak Chand.

(B.N. 102, L.N. 47, August 2, 1835)

See also, Clerk to Wade, August 27, 1835. B.N. 81, p. 151.



the state and keep an eye on the Raja.<sup>1</sup> According to Clerk, a few months more were to show whether the Raja had sense enough to avert such an interference. Government might desire to abstain from such an interference but Clerk believed that such an action would improve the entire administration and in his support quoted the instance of Nahan which afforded a gratifying example of the effects of such temporary superintendence.

Talking of the Raja's Trans-Sutlej territory, Clerk estimated its annual revenue at about 10,000, and his tribute to Maharaja Ranjit Singh at Rs. 6,000. If the Maharaja, irritated by Raja Kharak Chand's evasion and delay of payment, were to possess himself of that territory, the British could not interfere. But the Maharaja had shown much forbearance under considerable provocation, doubtless in a great measure out of respect to the Raja's connection with the British Government. The Maharaja would not eject Kharak Chand as long as he paid the tribute and although Government was not prepared to interpose its authority to recover the Raja's Trans-Sutlej territory, yet Clerk always urged the regular payment of tribute to Lahore. Clerk, talking of future, wrote that the time might come when it might prove a source of satisfaction to Government that the Trans-Sutlej Bilaspur territory continued in the possession of Kharak Chand, its dependent.<sup>2</sup>

The life led by the Raja was so dissolute that one of his wives, Rani Sirmur, lodged a complaint against him. Commenting,<sup>3</sup> Clerk

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[ 1. Clerk to Metcalfe, July 5, 1838, B. N. 83, L. N. 72.

But the Supreme Government was averse to the appointment of a European officer and only wanted Clerk to warn the Raja of the serious consequences of his misrule. (Metcalfe to Clerk, B. N. 38, L. N. 46, August 15, 1838, and Macnaghten to Metcalfe, August 11, 1838, B. N. 33, p. 236).

2. Clerk to Metcalfe, July 5, 1838, B. N. 83, L. N. 72.

3. „ „ August 4, „ „ L. N. 74.

observed that she had been complaining of his drunkenness, but in this matter, Government could not help her. However, it would intervene and pull him up, if he tried to touch her Jagir.

As it happened, the days of Raja Kharak Chand were numbered. He died on March 29, 1839, at Bilaspur, leaving three widows, two of whom were ready to become 'Satis' but were dissuaded by Clerk who promised them a liberal maintenance.<sup>1</sup> As there was no child, Clerk recommended the claims of one Mian Jungi, who was the late Raja's nearest collateral and whose character held out a great promise of happiness for the long oppressed country.<sup>2</sup> The Raja of Nahar was thinking of pressing the claims of his sister, one of the Raja's widows; but Clerk considered her claim inadmissible as she had no child.<sup>3</sup>

In November 1839, Metcalfe made a reference to Clerk of a petition of the widow of Raja Kharak Chand, addressed to Maddock, in which it was asserted that a son had been born to the late Raja's youngest widow on November 4, and that the child should be given his

1. Clerk to Maddock, April 15, 1838, B. N. 83, L. N. 112.

2. The claims of Mian Jungi were accepted by the Supreme Government as he and Kharak Chand were descended from Raja Ajmer Chand; he became the Raja with the title of Jagat Chand. The new ruler was installed at Bilaspur after about two months of the death of Kharak Chand.

Clerk to Maddock, April 15, 1839, B. N. 83, L. N. 112.

Maddock to Clerk,     ,,     19.     ,,     ,,     39, L. N. 20.

Maddock to Metcalfe,     ,,     ,,     P. 216-17.

Clerk to Maddock, June 9,     ,,     B. N. 83, L. N. 119.

3. Clerk to Maddock, April 15, 1839, B. N. 83, L. N. 112.

ancestral state<sup>1</sup>. The widow was one of the two sisters of the Raja of Nahan. To this Clerk replied:<sup>2</sup>

"-----I beg leave to state that the presumption under any circumstances would have been that the child now alleged to have been born to Raja Kharak Chand, seven months after his death, is spurious because he had been for years past reduced to a miserable state of imbecility, that the constant complaints to me of Raja Fateh Parkash, the brother of his wives, was the degradation they endured in the entire neglect of their husband's and the hopelessness of the Raj being perpetuated. But that presumption is still stronger under which the child has been produced..... namely after the withdrawal by the Nahan Raja of his sister from her husband's country and her seclusion from communication with Bilaspur in a village in his own mountains" Clerk added that throughout the state the rumour of the birth of a son was regarded as a palpable fraud, especially by Raja Ram Saran of Nalagarh, whose country lay contiguous to it and who was descended with the Bilaspur Chiefs from a common ancestor. He had entreated Clerk to discountenance its authors although there was great friendship between him and the Raja of Nahan. Moreover, the relations of the Nahan Chief with the new Raja, Jagat Chand, were anything but friendly. The Nahan Raja wanted an addition to the Jagirs enjoyed by his sisters to which Jagat Chand had not agreed. He had forwarded to Clerk a written engagement never to resume what they then possessed. Clerk had sent a copy to the Raja of Nahan remarking that his sisters would never be in want but this had failed to satisfy him. He surrounded the residence of his sisters, with his armed followers and carried them off into his own territory. Further, he sent a wakil to Simla on the part

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1. Metcalfe to Clerk, November 23, 1839, B. N. 39, L. N. 59, and Petition of the Ranis Sirmur to Maddock, B. N. 39, P. 588-89 (November 1839).

In the petition, the youngest wife of Kharak Chand was said to be pregnant. The Ranis had tried to notify the fact to Clerk at least that was what they alleged.

2. Clerk to Metcalfe, December 18, 1839, B. N. 83, L. N. 134.

of his elder sister to prefer her claim as senior widow to the Raj, but the man had been dismissed. Then he sent an agent to Clerk to convey to him that Mian Sher Singh, a scion of another collateral branch, had a better claim than Mian Jungi. This scheme also failed to achieve any success. Then he gave out that his younger sister was likely to give an heir to the Raj. Having secluded her from the other sister, he gave out that on the 6th of November, she had brought forth a boy in the village of Gunt in the hills, north of Nahan.<sup>1</sup>

This attempt of the Raja of Nahan to impose upon Government a pretender to the Bilaspur Chiefship met with no success. In January 1840,<sup>2</sup> Metcalfe forwarded the copy of a letter of Maddock in which it was observed "that the conclusions of the Political Agent appear to the Governor-General, to be perfectly correct and His Lordship desires that the disapprobation with which he views the underhand and suspicious conduct of the Raja of Nahan, in his endeavours to impose upon Government, a spurious heir of the late Raja of Kahlur, may be communicated to that Chieftain".

Though Government had rejected the claims of the child, the supposed mother was not satisfied with the decision. Writing in February

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1. Clerk to Metcalfe, December 18, 1839, B. N. 83, L. N. 134.

There was also the third widow of Kharak Chand. Her father, Raja of Mangal, presented a petition to Colonel Tapp praying for a provision for her (B. N. 50, L. N. 2, May 27, 1840).

2. Metcalfe to Clerk, January 15, 1840, B. N. 126, L. N. 8.

Maddock to Metcalfe, ,, 9, ,, ,, p. 9.



1840,<sup>1</sup> Clerk reported to Metcalfe that Rani Sirmur<sup>2</sup> had succeeded in collecting about 1,000 men in the Trans-Sutlej territories of Kahlur, crossed the river and taken possession of the fort of Jayalli she was threatening to expel Raja Jagat Chand from Bilaspur. Clerk added that the Rani had tried to enlist men in the districts on this side of the Sutlej but he had frustrated the attempt. He had also requested Wade to require the Lahore authorities to be vigilant in preventing her from recruiting men in the territory of Bilaspur, under their control. But the Lahore Government had not only allowed the Rani to collect armed men but had permitted the armed rabble to cross into the territory under the protection of the British Government. This was a most reprehensible act and Clerk suggested to Government that it should not be overlooked.

A week later,<sup>3</sup> Clerk again wrote that Raja Jagat Chand had made an attempt to oppose the forces of the Rani, but on their approach had withdrawn from Bilaspur to Satgarh on the frontier. He was only dissuaded from quitting altogether the territory by promise of support made to him by Raja Ram Saran of Nalagarh, in the vicinity of Satgarh. The pusillanimous conduct of the new Raja was ascribed by Clerk in some measures to the fact that people generally, with the local officers of the state, had risen in favour of Rani Sirmur. Clerk finally said that she was being encouraged through the efforts of Lehna Singh Majithia, the Sikh Governor, by the Lahore Durbar which had promised a 'Khilat' for the alleged child but he had no means of ascertaining the truth of the rumour. However, he had taken the precaution of bringing it to the notice of Wade.

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1. Clerk to Metcalfe, February 2, 1840 B. N. 83, L. N. 136.

2. Clerk does not specifically mention who this Rani is.....most probably, she is the younger widow, the mother of the spurious child. As soon as the Child's claims were rejected, she started making preparations to invade Bilaspur, encouraged by Lehna Singh Majithia, the Lahore deputy in the Hills. At another place, Clerk remarked that both the widows.....the sisters of the Nahan Raja..... were involved. After the revolt had been quelled, the Rani was sent to her brother, who was made responsible for her good conduct.

(B. N. 153, L. N. 6, and B. N. 133, L. N. 78).

3. Clerk to Metcalfe, February 10, 1840, B. N. 83, L. N. 138.

Clerk also transmitted a paper of intelligence received from Bilaspur.<sup>1</sup> The Rani was being helped by the Sodhis of Nandpur and the ruler of Suket. The former's territory was situated at the foot of the hills on this side of the Sutlĕj and was ceded to Maharaja Ranjit Singh in 1828; the Sodhis were ever-ready to join any disorder. The latter — Suket — had been a suitor for the hand of the sister of late Kharak Chand and this had been promised to him by the Rani as a reward for his support. Clerk was afraid that the delay, in settling the dispute in Bilaspur, might prejudice the general peace of the Hill States; he had again brought the conduct of the Lahore authorities to the notice of Wade.

Clerk again expressed his fear that the delay in suppressing the out-break at Bilaspur might make it more difficult to suppress it.<sup>2</sup> Bilaspur was filling fast with armed men and the number of such men was about four thousand. Raja Jagat Chand had made a stand on his frontier towards Nalagarh; his forts were either retained for him by his adherents or were neutral, awaiting the result of the conflict between him and the Rani. Clerk hoped that the Lahore authorities would be prompt to exert its influence in the right direction. Meanwhile he appealed to Metcalfe to order out the Nasiri Batallion at Sabathu and the detachment of the 4th Local Horse at Ludhiana so that he might lose no time in proceeding against the insurgents who had assembled at Bilaspur which had no regular fortifications.

Later,<sup>3</sup> Clerk reported that he had received information that the troops of Rani Sirmur were preparing a detachment which would be employed against Kot, a fort in Bilaspur situated at the foot of the

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1. Clerk to Metcalfe, February 13, 1840, B. N. 83, L. N. 140.

2. Clerk to Metcalfe, February 15, 1840, B. N. 83, L. N. 141.

3. Clerk to Metcalfe February 18, 1840, B. N. 83, L. N. 142.

hills. He had, therefore, called upon the Raja of Patiala to despatch troops to reinforce the garrison there. But Clerk believed that the Patiala troops would not suffice to coerce in a proper manner the retainers of the Sodhis and those of other vassals of Lahore, who had "dared to invade the territory of a dependent of the British Government". The Lahore Durbar was to be requested to secure their 'Ghats' on the Sutlej in such a manner as equally to prevent the reinforcements of the insurgents or their retreat.

Metcalf sent to Clerk a letter written by Maddock to himself in which the Governor-General acknowledged that a serious outrage had been "committed by an armed force assembled Trans-Sutlej by the widow of the late Raja of Kalur and which, aided by the followers of the Raja of Suket, have entered the British territory, taken possession of the fort of Jayali and expelled Raja Jagat Chand from Bilaspur". His Lordship was hopeful that the Lahore Government would recall the troops from Bilaspur and punish those who had been instrumental in collecting them for the invasion of the British part of the state. Finally, the Governor-General was confident that Clerk must have adopted measures to seize the leaders of the revolt and make an end of the outbreak engineered by the armed men who had espoused the cause of the Rani and were on this side of the Sutlej.<sup>1</sup>

The outbreak at Bilaspur did not take a long time to be suppressed. In a letter dated March 2, 1840,<sup>2</sup> addressed to Captain Macausland, Commanding, Nasiri Battallion, Clerk informed him that Sodhi Jodh Singh, one of the principal supporters of Rani Sirmur, had fled across the Sutlej evacuating the fort of Kot and Nini Devi Hill, both

1. Metcalfe to Clerk, March 16, 1840, B. N. 126, L. N. 52

Maddock to Metcalfe, February 24, 1840, B. N. 126, p. 90—91.

2. Clerk to Macausland, March 2, 1840, B. N. 83, L. N. 148.

Clerk to Macausland, March 2, 1840, B. N. 83, L. N. 147.

of which had been restored to Jagat Chand.<sup>1</sup> Under these circumstances Clerk advised him to return with the troops under his command to Sabathu with the exception of one company which should be stationed at Bilaspur. He himself had detached one hundred Sowars for that purpose; he had also requested the Patiala Raja to send a force of 200 men to be kept at Bilaspur. Both parties had been directed to obey the orders of Macauland. On March 3, he wrote to Metcalfe that the rebels had been expelled from the territory of Jagat Chand.<sup>2</sup>

As Metcalfe was about to visit Bilaspur, Clerk addressed a letter<sup>3</sup> to him in which he discussed not only the responsibility of the ruler of Nahan in the late insurrection, but also the precautions adopted by him in the state. Discussing the former, he remarked that the widow-Ranis, the sisters of the Nahan Ruler, had been living at Ghunt and Bhagarwali in the territory of the Nahan Raj. Although the Raja was at liberty to take away his sisters, Clerk felt that he had incurred a very serious responsibility when he allowed them to arrange their

1. Clerk was sure that the sodhi would not have escaped, had Wade, Political Agent, Ludhiana insisted on the Lahore authorities guarding the ferries.

(Clerk to Metcalfe, March 6, 1840, B. N. 83, L. N. 149A).

Even then Clerk felt that the Durbar had shown a reasonable sense of its obligation as an ally in restraining its vassals from joining the insurrection.

(B. N. 83, L. N. 150)

2. Clerk to Metcalfe, March 3, 1840, B. N. 83, L. N. 149.

Government fully approved of what Clerk had done in order to suppress the rebellion.

(B. N. 126, L. N. 47, March 13, 1840).

Clerk to Metcalfe, March 12, 1840, B. N. 83, L. N. 150.

Metcalfe to Clerk, March 16, 1840, B. N. 126, L. N. 51.

Clerk was authorised to take action against the troops of Raja of Nahan for the acts of violence committed in Bilaspur (Metcalfe to Clerk, March 13, 1840, B. N. 126, L. N. 49).



plans for an invasion of Kahlur, to transport thither supplies of ammunition and finally, the way being thus prepared themselves to depart from the Nahan territory, attended by a considerable body of armed men and so to enter the Kahlur territory and raise its people by assuring them of having them secured the support of Lahore". In this way, the Ranis had possessed themselves of Bilaspur. Clerk further observed: "Such measures projected and matured in the territory of a dependent prince and a prince too of all others the most beholden by the British Government, renders him, in my humble opinion, deserving of signal punishment".<sup>1</sup> He, therefore, recommended that either the Parganas of Ghunt and Bhagarwali, the revenue of which was about Rs. 5,004 a year, should be annexed to the British territory, or that the Raja should be fined Rs. 25,000 — a moiety of his annual income. According to Clerk, it was "most necessary for the Supreme Government to convince those allies whose duty it is by every means in their power to assist in the preservation of the public peace that they never will be suffered even to connive at its infraction with impunity".

Talking about the measures he had adopted in order to preserve peace at Bilaspur, Clerk pointed out that he had placed 100 Ambala Sawars and 500 Patiala Sibandis at Bilaspur and some force of Patiala Sibandis and Rajputs at Kot which should be enough to guard the C-s-Sutlej territory of Raja Jagat Chand.<sup>2</sup> But that was not enough. He was of the view that the proper condition of a subject ally of the British Government, situated as Raja Jagat Chand was, on the frontier of a foreign territory, should embrace the means of not only protecting his own territory against any invasion, but holding a certain and well-equipped quota of troops at the disposal of the British Government

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1. Clerk to Metcalfe, March 12 1840, B. N. 83, L. N. 150.

Metcalfe to Clerk' March 16, 1840, B. N. 126, L. N. 51.

2. These measures were approved by Government.

B. N. 126, L. N. 47, March 13, 1840.

B. N. 126, L. N. 52, March 16, 1840

for service elsewhere.<sup>1</sup> Unfortunately, the predecessor of Jagat Chand had been such a useless and tyrannical ruler that he had greatly impoverished the country; the resources of the state did not yield enough to provide a well-organised administration. The late insurrection had worsened the situation as it had deferred for a still longer period the amelioration of affairs; the villages had become devastated. Raja Jagat Chand was a respectable but not an energetic man and Clerk once again expressed the wish that a British officer was needed more than ever who might be expected to settle the deserted villages, repair forts and improve the entire administration of the state.<sup>2</sup>

Metcalf wrote to Clerk on April 3, 1840, and referred him to Thomason's communication (addressed to himself) in which the explanation of Raja Fateh Parbhash of Nahan had been demanded by Government.<sup>3</sup> In regard to the punishment proposed by Clerk for the Raja, the Lieutenant-Governor accepted his recommendation.<sup>4</sup> The required explanation of the Raja was sent by Clerk with his despatch of May, 16, 1840, addressed to Metcalfe.<sup>5</sup> Clerk was not convinced by it as

1. Clerk to Metcalfe, March 12, 1840, B.N.83, L. N. 150.

2. The Lieutenant-Governor considered favourably Clerk's proposition but he had to consult the Supreme Government before such an order could be issued. (B. N. 126, L. N. 61). So no decisive action was taken.

3. Metcalfe to Clerk, April 3, 1840, B. N. 126, L. N. 61  
Thomason to Metcalfe, March 25, 1840, B. N. 126, p. 110—11

Thomason observed that the Lieutenant-Governor held that the Raja of Nahan had criminally connived at the rebellion, secretly assisted the Ranis in their hostile designs against Raja Jagat Chand and so deserved to be punished. But His Honour was not satisfied by the weakness of character displayed by Jagat Chand in the crisis and so a careful watch was to be kept on the Chiefship.

4. The Raja paid the fine. (B. N. 84, L. N. 280).

5. Clerk to Metcalfe, May 16, 1840, B. N. 83, L. N. 150.

There is no copy of the Raja's explanation attached with the despatch of Clerk.

he observed that he had nothing to add to what he had reported. Further, he assured that officer that he would endeavour to make the best arrangement possible for the management of the state. So, although the revolt was crushed and Jagat Chand allowed to rule, things were not very satisfactory in Bilaspur<sup>1</sup>.

### 7. The British Government versus Keonthal.

In April 1840,<sup>2</sup> Clerk reported on the affairs of Keonthal. There were three complaints against the Rana or the ruler, viz. (1) appointment of Giaru vazir, (2) his keeping as his concubine a woman of infamous character; and (3) his attempt to excite a revolt in Theog.

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1. There was an interesting sequel of the rebellion. It seemed that Raja Jagat Chand had borrowed a big sum of money from Raja Ram Saran of Hindur or Nalagarh during the rebellion on the security of certain forts of his kingdom. Naturally, he wanted to recover them. Clerk writing to Erskine, Sub-Commissioner North-West Province, agreed with him that Raja Ram Saran should continue to hold these forts of Bilaspur until Raja Jagat Chand liquidated his debt of Rs. 1, 00, 967 due to the former.

(From a pencilled note of Clerk, dated March 25 1843, B. N. 83 inserted between p. 230-31. Also see Clerk to Erskine, March 25, 1843, B. N. 87, L. N. 117 and Richmond to Hamilton, August 4, 1843, B. N. 87, L. N. 259).

2. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

In November 1839, Maddock had sent to Clerk a copy of a despatch which he had addressed to Metcalfe. The Governor-General had expressed a desire to have a further report on the general character of the Keonthal ruler as a complaint had been made against him. According to Maddock, the Governor-General could not come to any conclusion as to the validity of the charges adduced against the Rana. He further observed: "The Rana may also be permitted to afford a proof of his assertion that he has not demanded or exacted from the Thakur of Theog more tribute than he is entitled to. .... It occurs to His Lordship that the relations between the Rana and his dependent might be more definitively fixed....."

Maddock to Clerk, November 7, 1839, B. N. 39, L. N. 54.

„ Metcalfe, „ „ „ p. 556 and 556 A.

Also see, Erskine to Clerk, July 28, 1841, B. N. 50, L. N. 23.

About the first complaint, Clerk wrote that the Rana had stated to him that Bhola, the father of Giaru, was the Wazir; but he also admitted that, on account of the infirmity of Bhola, Giaru, though not installed formally as a Wazir, had been permitted to assume the more active duties of the office. Clerk also had a talk with Bhola who, though illiterate, struck him "as a man capable of being employed in many concerns relating to the Hill management". Giaru seemed to Clerk "to be shrewd and a knave" and was a Chaprasi at Sabathu formerly. That was the reason why Colonel Tapp did not think him fit to hold the office of the Wazir but Bhola was an able person and in every way fit to be the Wazir.<sup>1</sup>

Clerk admitted that Colonel Tapp been desirous of raising the standard of the qualification of a Wazir and so might have demurred to the employment of Giaru. But the end in view could more effectually be attained by evincing more indifference to that irresponsible personage and a constant care to make manifest the obligations in which the Rana himself should be directly held to discharge his duties towards his people and towards the British Government. If a ruler were made to feel that he himself were strictly responsible for every act of mal-administration that may reflect discredit on the paramount state of which he held his territory, he would comprehend also that the selection of a Wazir was

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1. Clerk also made his observations on the institution of the "Wazarat". Much importance had been publicly attached to the selection of the Wazir and that it had been the practice of the local British agent to uphold an institution found existing at the period of its earliest connection with the Hills. But he thought the institution to be incompatible with any capacity in a chief to govern, as it excluded every range of talent or energy on his part, the greater the political considerations bestowed on the irresponsible officer of the Wazir, the less would be the sense of the Chief's own responsibility. Clerk further remarked: "This is not the condition in which the British Government would desire to see any of its vassals on whom the welfare of numbers depends. Formerly though certain disadvantages inherent in those irresponsible and generally hereditary Wazirs were apparent to the British functionaries, they were averse from doing anything to suppress them from the apprehension of thus encroaching on the prescriptive rights of individuals". Clerk pointed out that it was satisfactory to observe that the emancipation of the Chiefs had considerably advanced,



his own concern. It was Clerk's wish that Government should follow a consistent policy in such cases, and he wrote: "Flagrant acts of tyranny towards individuals or deterioration of the domain restored to him by the British Government should be punished by its resumption to the dominion of the company and the bestowal of pittance for his support". Finally, he was of the view that Government should not interfere in the selection of the Wazir; rather it should allow the Chiefs to have their own nominee,<sup>1</sup> at the same time warning them of the consequences of a bad choice.

In regard to the second complaint of keeping a concubine, Clerk felt that Government could not intervene in the matter, even though the woman might exercise an influence over the affairs of the Rana. In the last interview which Clerk had with him, the Rana told him that he had formally assigned to the Rani for her maintenance the Pargana of Jai. Clerk added that the Rana had informed him of the measure in order that should anxiety over again be felt as to her condition, the British Government might know what is her appointed provision and if it should think proper protect her enjoyment of it.<sup>2</sup>

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1. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

Clerk observed: "Generally speaking when a Thakur is neither a minor nor an idiot, more of time and attention of the British Government would be requisite to uphold an eligible Wazir of its own choice and at the same time less efficiently attain towards the fulfilment of the proper objects of the state, than in allowing the Chiefs to make the best he can of his own chosen officer under a salutary fear of the consequences liable to result to himself through their incapacity".

2. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

Later on, the Rana resumed this Pargana although, at the persuasion of Government, he promised to grant to the Rani another piece of land equivalent in revenue (B. N. 132, L. N. 4).

Clerk next referred to the third complaint against the Rana of exciting a revolt in Theog. The Thakur of Theog had preferred such a complaint in the Sabathu office. The worst feature of the case was the correspondence between Jaita, an influential zamindar of Theog, and a woman, in the establishment of the Rana of Keonthal. The political Agent carefully examined Jaita who admitted that he occasionally received letters from the woman in question on the subject of a change of administration in Theog. But the defence of the Rana was that the Thakur of Theog, having abrogated all the other conditions proper to vassalage, had preferred a complaint against him to escape the payment of tribute due to him. The Thakur "aimed at accomplishing the sole act wanting to enable him to repudiate the connection, by paying to the British Government the tribute which the British Government has by its 'Sanad' guaranteed that he should pay to the Rana"<sup>1</sup>

Clerk assembled all the interested persons. The tribute paid by Theog was Rs. 500 per annum. On investigation, it was found that the Thakur had to pay also an arrear of Rs. 600 only. So the total of Rs. 1100 was to be paid by Theog to the ruler of Keonthal by Sambat 1896—1839-40. This was acknowledged by the Vakils of Theog before Clerk. At his persuasion, an engagement was drawn in writing and the Theog agents agreed to liquidate it by the end of Sawan. Another sum of Rs. 400, demanded by the Keonthal ruler, as a 'nazrana', was relinquished. The Rana expressed some anxiety for the maintenance of the terms of the grant under which he held his possessions, in so far as it related to Theog. The 'Sanad, or the grant provided for the perpetual subjection of Theog to the Rana and declared that he was to help the Thakur as well as the people of that district to collect porters and troops that may be required from them by the British Government. It also prescribed that the Thakur of Theog was to recognise the Rana of Keonthal as his acknowledged master, to consider himself liable to be turned out if he disobeyed the latter's orders or if he neglected to pay the tribute of Rs. 500 in two half yearly instalments. The position of

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1. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

the two parties did not accord with the above terms and Clerk observed that if the terms had not been rescinded, he would recommend a due advertence to them by the Superintending Agent; Clerk was also against the residence of a Theog Wakil at the Agency as it led to a distracted state of things in Theog. Clerk was also not sure whether Theog existed only under the 'Sanad' granted to Keonthal or its rights had been separately acknowledged by the British Government.<sup>1</sup>

There were six letters which the Rana was alleged to have written with a view to deposing the late Thakur of Theog or to exciting a revolt in that territory. In that connection, Clerk saw Rana Sansar Singh of Keonthal alone. According to him, he was not devoid of acuteness and some intelligence regarding his affairs and that he denied the authenticity of five out of six letters. As Clerk observed: "It is difficult to conceive that a man of this type would deliberately perjure himself in the very solemn form of oath, in which he voluntarily before me, and, as he tells me, had in Mr. Metcalfe's presence, denied the authenticity of five out of six letters which I placed before him purporting to be written or attested by himself with a view to depose the late Thakur of Theog or to excite a revolt in that territory." Clerk had no hesitation in believing the Rana because no instance had ever come to his knowledge "of the principal committing himself in a document written or signed by himself".

In regard to the administration of Keonthal, Clerk remarked that it was not so mild, popular and vigorous as it had been in the days of the late Rani-mother and her minister Dhunkal. He wanted that the Rana should be awakened to his sense of responsibility,<sup>2</sup> if he were to be deprived of all power and prestige, he might be rendered reckless and

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1. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

2. The Court of Directors appreciated this attitude of Clerk and expressed a hope that Government would regulate its conduct towards the ruler of Keonthal by the spirit of this remark (B. N. 132, L. N. 4.)

more incapable, he should be admonished but the earliest opportunity should be taken of throwing back upon him at the same time in a formal manner the whole responsibility of governing territory firstly and managing his relations with Theog according to the terms of his 'Sanad'. He concluded his long letter by saying that the other Hill Chiefs were no better than the Rana of Keonthal.<sup>1</sup>

In May, Metcalfe, in reply, sent a copy of a despatch of the Secretary at Agra, in which the Lieutenant-Governor concurred with the views expressed by Clerk who was thus able to persuade Government to restore the ruler to his old position.<sup>2</sup>

1. Clerk to Metcalfe, April 19, 1840, B. N. 83, L. N. 155.

2. Metcalfe to Clerk, May 15, 1840, B. N. 126, L. N. 89.

Thomason to Metcalfe, May 11, 1840, B. N. 126, p. 204.

Thomason wrote to Metcalfe that the Lieutenant-Governor concurred with Clerk's views and that he should direct Colonel Tapp "to adopt prospectively the course therein recommended." He further remarked: ".... You are now authorised to forward to Rana Sansar Chand a suitable Khillat from Government, accompanied by a communication from yourself calculated to soothe him for the degradation he has already suffered, to impress him with a due responsibility of his station and his obligation both to the paramount power and his feudatory Thakurs and to incite him to such a line of conduct in future as may promise to prove beneficial both to himself and to the people of his territory". The Court of Directors, to whom the case had been referred, was a little sceptical about the Rana's administration. Hamilton, the Secretary at Agra, sent the following lines from one of its despatches:—

"Mr. Clerk ..... made such report on imputations.....against the Rana as has induced the Lieutenant-Governor to confer upon the Chief the Khilat which had been temporarily withheld from him. Although we are not prepared to disapprove this proceeding, Mr. Clerk's disclosure of the Rana's character and of the administration of the country causes as much misgiving as to the probable results of his rule".

Extract (paras 83 and 84) of a despatch No. 30 of 1841, August 23, 1841, Hamilton to Clerk, January 10, 1842, B. N. 132, L. N. 4.



## 8 The British Government versus the Cis- Sutlej Chiejs in regard to the Imposition of Duties.

The policy of the East India Company had always been the encouragement of internal trade. But the country was divided into a number of states .....dependent or independent .....each of which possessed the right of levying duties on goods and merchandize. The Cis- Sutlej states were no exception to this rule, and imposed duties on all merchandize passing through their territories. Not only was this right a profitable source of income but the Chiefs also viewed it as an attribute of sovereignty. The British Government desired to get these duties reduced and regularized and appealed to the states repeatedly to this effect. There was no question of denying this right of imposing transit duties, but the real aim was to eliminate all obstruction in the way of internal trade<sup>1</sup>.

The period of Clerk's agency was marked by a dispute between Patiala and Government on the question of Simla duties. In 1830,<sup>2</sup> Kennedy, the Political Agent at Sabathu, addressed Hawkins, the Resident at Delhi, on " complaints made by several traders frequenting these states of the numerous transit duties exacted by the protected Sikh states, but particularly by the Patiala Raja who levies at three different Chowkies between this place and Pinjor, a distance of fifty miles." He suggested that the Patiala Government be called upon to declare a tariff of duties on merchandize and articles of consumption taxed at Pinjor and to hold

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1. Whenever any state or principality lapsed to the British Government, the very first thing that it did was to abolish the transit duties prevailing in it.

How popular this abolition was, would be apparent from a letter of Wade to Murray. Writing to Elliott, the Governor..... General's agent at Delhi, Murray sent the letter of Wade, Political Assistant at Ludhiana, showing the satisfaction of the lapsed estates at the abolition of all customs and transit duties.

(B N. 72, L N. 185. October 8, 1824)

2. Kennedy to Hawkins, October 9, 1830, B. N. 31, L. N. 36:  
The customs duties levied at Haripur and Pinjor were also questioned in 1829 by Lt. Pat Gerard, in charge of the Company's commercial affairs.

the farmers of them responsible for its infraction.<sup>1</sup> He also forwarded results of inquiries made by him from certain merchants trading in Simla.<sup>2</sup>

The question was referred by Government to Clerk for his observations. Clerk dealt with the whole question in a carefully prepared despatch dated September 30, 1831<sup>3</sup>. He wrote that he had taken the opportunity of suggesting to the agents of Patiala "to communicate to the Raja the anxious desire of the Governor-General to devise some mode for the protection of traders resorting to Simla against the present vexations to which they complain of being subjected from the oppressive taxation laid on their goods by the Patiala Government". Clerk met Kapur Singh, a trusted agent of Patiala, and had a talk with him. The conclusion to which he had arrived was that the ruler of

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1. Later, Kennedy wrote to Hawkins that he had read the Sanads' under which Patiala held his hill territory.....the one for five Parganas of Baghat under the seal and signature of Lord Moira, dated, September 3, 1815, the other for eleven Parganas of Keonthal under the same authority dated September 19, 1815, and that in both the documents, the right of the Raja to levy transit duties is distinctly recognised; in Ilaga Baghat to Rs. 1600 per annum and in Keonthal without mention of any specific sum, since which date the agents of the Raja have levied duties in the territory thus ceded to him. Kennedy admitted that the town and territory of Pinjor were held under a different 'Sanad'. He further observed: ".....the transit duties at Bar, Pinjor and Haripur.....are given in farm by the Patiala Raja to the highest bidders and there being no check on control, the petitioners are left at the mercy of the farmers who.....generally levy a greater or less tax upon individuals according to their apparent means and ability to pay. The abuses inherent in such a system act as a check upon the commercial prosperity of the Hill provinces and I.....submit for your consideration the propriety of restricting the agents of the Patiala Raja from levying transit duties upon goods passing the Chowkies at Pinjor, Bar and Haripur at more than one of the said mentioned places and that they be furnished with fixed rates for all descriptions of goods.

(November 11, 1830, B. N. 31, p. 57-58).

2. Kennedy to Hawkins, B. N. 31, p. 58-60.

3. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 89.

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Patiala, if encouraged to express his opinion freely, would evince great tenacity on the subject of duties levied by him in the Pinjor valley and upwards. That was rather surprising "on the part of a chief, who is so specially beholden to the British Government for the rank and consideration he at present enjoys". Kapur Singh proposed to discontinue the two Chowkies of Bar and Haripur and to lay on Pinjor the transit duties now levied at the two former places, as he was anxious to leave Clerk favourably impressed with the accommodating intentions of the Patiala ruler.

According to Clerk, there was essential difference between the duties levied at Pinjor and those imposed at Bar and Haripur. It was wrong for the Raja to assert that Government had bestowed upon him the produce of the duties at the latter two places. In his support, the Raja referred to the 'Sanads' granted by the British when it granted the Hill territory to Patiala, after the conclusion of the Gurkha War. Clerk was emphatically of the opinion that Patiala had no right of establishing, in the Parganas allotted to her, such Chowkies as Government on its own part had abolished. Moreover, the duties were to be imposed only in those parts which Government had reserved to itself. The farmers of the 'Sanads', Clerk felt, would not have neglected the opportunity then offered for the protection and furtherance of trade. He reminded Prinsep how on September 30, 1814, Government before granting the territory, conquered from the Gurkhas, to the Hill Chiefs ordered them to allow to the subjects of the company and to their goods and merchandize a free right of passage.<sup>1</sup>

Although the Raja might not admit it, yet it was clear that no Chowkies existed at Bar and Haripur, previous to the grant. This fact could be corroborated by a statement made by the Local British authorities in charge of Baghat and Keonthal when some of their Parganas were about to be transferred to Patiala. Clerk concluded by remarking : "I am inclined to think that such restrictions on traffic as are at present the subject of complaint against the Chowkies established

and maintained at Bar and Haripur are an unwarrantable assumption on the part of the Patiala Raj.<sup>1</sup> With regard to the Chowki at Pinjor, the position was altogether different. It was held by Patiala on a grant previous to any connection with the British Government and the state was entitled to tax goods by the third clause of the Proclamation of 1809. Thus Patiala was within its rights in keeping a Chowki at Pinjor.<sup>2</sup>

In this despatch, clerk also took the opportunity of apprising Government about duties on the timber in Jumna,<sup>3</sup> which used to be formerly levied by the Chiefs. The view which Government then took was the abolition of these duties, without compensation, could only be effected by means of negotiations and by an adjustment of the different claims of the Chiefs concerned; even then the proposed commutation could scarcely be considered a measure of compulsion.<sup>4</sup> Although Government, in the Proclamation of 1809, had stipulated for the free

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1. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 89.
  2. It is interesting to note that Patiala only derived about Rs. 1100 a year from the three posts.
  3. Clerk was anxious to open the Jumna for navigation, as it would have cheapened the transport of goods. If some how or other, "great unavoidable and infinite delay" be avoided, the merchants would gladly use the Jumna. He gave the example of a boat laden with 'Bhang' which had been detained for about a month by Begam Samru's officers and a duty of Rs. 100 was levied before it was released. There were not many natural obstacles, as the river contained enough water except for a few weeks in January and February; at times, rainfall removed this defect. The river would provide a better means of transport than land, which was inter-sected by a new Chowki every ten or twelve miles. According to Clerk, the only impediment to the navigation was "in liability to exactions and detention from the Sikh Chiefs and proprietors residing along the bank of the river". Although the Chiefs had the right to impose duties on merchandize, by the Proclamation of 1809, yet Clerk desired that they should be told plainly that in the event of the navigation being opened, they would not be allowed "to view it as opening a new source of profit to them".

(B. N. 78, L. N. 31).

4. Even as early as 1819, Birch had suggested the payment of a compensation to the Chiefs for the loss of timber-duty (B. N. 65, L. N. 10); for example, he paid Rs. 3051/7/3 as compensation (B. N. 64, L. N. 37). Ochterlony had fixed the rate of such duties (B. N. 61, L. N. 69 & 84).



transit of British manufactures and of horses for cavalry, Clerk was of the view that this stipulation fully implied the relinquishment to the Chiefs of an entire discretion to levy whatever duties they liked.<sup>1</sup> Clerk clearly pointed out that Government had definitely abstained from negotiating for their abolition. Even about a duty on grain, the states were told that Government was not prepared to claim any exemption on that account. Thus these Chiefs had from such decisions derived great confidence in their expectation of preserving a prerogative to which they attached a great value.<sup>2</sup>

According to Clerk, the total amount realized from the duties levied throughout the Protected Sikh states between the Sutlej and the Jumna was Rs. 34115 only; at Jagadhari the transit duty amounted to Rs. 12,200, half of it belonged to Rani Sukhan, one of the two widows of Sardar Bhagwan Singh of Buria while the other half was taken by Government.<sup>3</sup> If it wanted to further the interest of traders by abolishing duties, it would have to begin by abolishing the imposts levied at Jagadhari. Clerk believed that the number of Chowkis was not

1. Clerk referred to the Articles 6 and 7 of the Proclamation of 1809 which were, as follows :—

*Article 6.* All European articles brought by merchants from the Eastern districts for the use of the army, shall be allowed to pass by the Thanedars and Sayerdars of the several Chiefs, without molestation and the demand of the duty.

*Article 7.* All horses purchased for the use of the cavalry regiments, whether in the district of Sirhind or elsewhere.....shall be allowed to pass through the country on the said Chiefs without molestation and the demand of the duty (Cunningham, p. 498, Appendix XXVI).

Moreover, these concessions were only meant for the army and not for purposes of general trade.

2. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 89.
3. In reality, both Rani Sukhan and the British Government derived Rs. 10,000 a year each from the duties levied at Jagadhari which included more than half a dozen kinds of duties imposed in Buria and Jagadhari. (B. N. 81, LN. 132).

increasing; in course of five years, only one new Chowki was established by Kaithal at 'Simalka' which yielded only ten rupees a year. If the Governor-General considered that the condition of roads was any obstacle to the trade of Simla, Clerk suggested the expediency of opening out a route from Jagadhari to Simla, by cutting the Kiarda Valley. The new route, in comparison with the route to Pinjor, would be liable to molestation "from very few independent authorities"; the British Government could make its own terms with the Raja of Sirmur through whose territory a considerable part of the route would lie.<sup>1</sup>

Personally, Clerk was not in favour of the total abolition of the transit duties<sup>2</sup> levied by the Sikh Chiefs, as they had to maintain the security of the roads along which they were levied; in other words the imposts were a means of re-imbursing the proprietor for the security from molestation enjoyed by those passing through his possessions. The high roads were kept in a tolerable condition by the Chiefs at their own expense. Moreover, the Chiefs had to maintain police for the protection of these roads.<sup>3</sup> Clerk emphatically declared that it would be an extreme measure to annul their rights to the toll. In his opinion the amount of the duties was no obstacle to the commercial intercourse. It was the uncertainty of the exactions, which really retarded trade. So Clerk did

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1. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 89.

On December 24, 1831, Martin forwarded to Clerk a copy of a letter addressed by Prinsep to one Lieutenant White, who was "to examine and report upon the practicability of opening a road to Simla from the neighbourhood of Nahan so as to join the road.....in the Kiardadun and afford a convenient and short outlet to the Plains". Lieutenant White was to communicate with Kennedy and also to find out if this road would prove better than that between Sabathu and Bar; he was also to state the cost and to make inquiries about the territories of the Chiefs through which it would pass.

Martin to Clerk, December 24, 1831 B. N. 31, L. N. 97.

Prinsep to White, December 4, 1831, B. N. 31, p. 154.

2. The problem created by transit duties was also taken up by Ross in 1823. He admitted the inconvenience caused by their imposition and tried to discuss the question how far the British Government could interfere.

(B. N. 71, L. N. 50, January 31, 1823).

not desire the total abolition of these duties; moreover, such an action would be harsh for the Chiefs. In conclusion, he remarked: "I would submit with deference whether a measure for specifically regulating these charges on trade might not be rendered fully efficacious towards the encouragement of trade, in so far as its furtherance now depends upon circumstances of the nature in particular at the same time that it might be shown to be beneficial to the Sikh Sardars themselves."<sup>1</sup>

To this lengthy despatch, Prinsep, Secretary to the Governor-General, sent a reply.<sup>2</sup> To him it appeared from the result of Clerk's inquiries that the Chowkis established by the Raja of Patiala at Bar and Haripur were placed at these points subsequent to the completion of the road to Simla constructed by Government, while the Chowki at Pinjor was older. He quoted the opinion of the Governor-General, who wanted the levy of duties on the new Government hill-road at the two points named to be discontinued. His Lordship had resolved to take this course, though he was of the opinion that the Pinjor Chowki must be left, the Raja being free to collect duties there as heretofore.<sup>3</sup>

1. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 89.

Clerk quoted the case of Shahabad the Sardars who had to keep a force of 75 Sepoys for the protection of their road.

See also, B. N. 80, L. N. 197, and B. N. 81, L. N. 11.

2. Prinsep to Clerk, November 11, 1831, B. N. 31, L. N. 87.
3. About eleven years later (May 9, 1842) once again, the question of Simla customs was raised by the Political Agent at Sabathu. Clerk wrote to him to the following effect :—

".....I beg leave to observe that I do not consider that the orders of Government.....referred to contemplated abolition of ordinary duties of any Chowkis of the Sikh or hill Chiefs and certainly not those of any Chowkis which

Clerk was in-structed to explain to the Raja of Patiala the decision of the Governor- General and the reason for it. Further if the Raja could show that the duties levied at those places formed any part of sayer. included in the Government 'Sanads, his claim to remuneration for the loss of what he had purchased would be fairly considered. The object of Government was declared to be the improvement and facilitation of the means of communication either by construction of roads or abolition of the Chowkis; no new Chowkis could be allowed to be set up by the states.

In regard to the levying of duties by the Sikh Chiefs, it was clearly declared that the Governor- General had no intention of interfering with the authority exercised by them within their respective possessions. If possible, the Governor-General wanted to establish one set of Chowkis "for the levy of duties once for the whole country"; the proceeds were to be divided afterwards amongst the Chiefs according to the extent of their respective possession. Only the method of persuasion was to be used for that purpose.<sup>1</sup> If Clerk could do it, he should try to affect it; the princes were to be told that there was no

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The intention of Government I should rather conceive to have been to prevent new Chowkis being established by Chiefs in order to intercept supplies proceeding to a British station or the rates of their old Rahdari duties being raised with a view speedily to realise unusual exactions on a trade so created or revised.

I cannot imagine that Government would see any reason in abrogating the ancient rights of Chiefs, rights of which they are the most tenacious as denoting Chieftaincy in having for its own convenience established a distant station on the frontier with their domains intervening. Besides we invariably hold the Chiefs very strictly to the obligations of protection which according to their prescriptive rules the levying of such customs imposes upon them".

(B. N. 86, L. N. 473).

The letter showed clearly that Government was not trying to disturb the old rights of the Chiefs and that this view remained unchanged for a long time.

Prinsep to Clerk, November 11, 1831, B. N. 31, L. N. 87.



intention to interfere with their established rights and privileges.<sup>1</sup>

The attitude of Government towards tariffs, imposed by the Chiefs, was explained by Clerk, in a letter<sup>2</sup> to Turner, Magistrate at Saharanpur. He wrote that he had addressed several Sikh Chiefs, whose possessions were situated on the banks of the Jumna, to be informed whether the rates of duties and tolls now levied by them in their respective Ilaqas had varied from the fixed rates, which they had furnished to the office in 1822 for the information of the British authorities. Clerk added that no material variation had taken place within the last ten years.

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The Government at times tried to buy out Chiefs; for example Begam Samru was to be paid by half-yearly instalments the sum of Rs. 4465/12/6 which she had agreed to accept in commutation of her right to collect duties at all her ghats on Jumna above and below Delhi (B. N. 33, L. N. 102, October 31, 1832).

While writing a note on the navigation of the Jumna, Clerk had drawn Government's attention to the exactions of Begam Samru and observed: "I do not see how such rights in respect to this tract of the river are distinguishable from the similar rights which the Sikh Chiefs so situated will allege to belong to them". He was of the view that Government should rescind this right of hers and if this were not possible, to regulate her imposts (B. N. 73, L. N. 31, June 10, 1832). That was why Government entered into the above agreement.

1. Prinsep observed: "If by persuasion and explanation of the advantages of such an arrangement, you can procure its adoption, the Governor-General thinks the object a very proper one for you to attempt effecting but it is not his desire that any other influence but that of persuasion should be used."

Clerk again dealt with the question of the establishment of one set of Chowkis for the whole country in a letter of December 1833. He explained that the proposals for the revision of transit duties levied by the protected Chiefs, were not carried into effect, because the Chiefs were opposed to the measures. He added that if the arrangements were first to be introduced in the Lahore dominions, the Protected Chiefs would also agree.

Clerk to Fraser, December 31 1833, B. N. 79, L. N. 173.

Clerk then dealt with Turner's proposal to modify the transit duties. As Clerk pointed out, however desirable the proposal might be, he was precluded, by the tenor of the instructions of Government, from exercising any interference with the rights of the Sikh Chiefs. Government had on several occasions recorded their specific orders on the subject. He also quoted the third article of the Proclamation of 1809 which guaranteed the Protected Chiefs the full exercise of the authority in their own possessions which they enjoyed before they came under the British protection; that was a clear recognition of the right to impose whatever transit duties they chose. Clerk also quoted the view of the Governor-General which refuted the general view held that Sikh Chiefs were entitled only to duties levied in 1809.<sup>1</sup> The view had not changed; as Clerk pointed out further that when he had drawn up a report in 1831 on the trade and transit duties of the entire tract of the country between the Sutlej and the Jumna, the Governor-General had expressed his determination not to interfere with the established rights and privileges of the Chiefs; nor was His Lordship prepared to prescribe any particular course of action to them in any branch of their local administration.

In December, 1832, Macnaghten addressed a communication to Clerk in which the latter was asked to find means for relieving the trade across the protected Sikh States also from the frequent stoppages and demands for duty between the Sutlej and the Jumna.<sup>2</sup> He agreed with Clerk that obstruction to trade did not consist so much in the aggregate amount of the duties demanded as in the liability to frequent stoppages

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1. Clerk to Turner, December 14, 1832, B. N. 77, L. N. 154.

Clerk observed : "The Governor-General in Council is decidedly of opinion that we cannot in justice take the ground that the Sikh Chiefs are entitled only to the duties levied in 1809".

2. Macnaghten to Clerk, December 16, 1832, B. N. 32, L. N. 126.

Macnaghten had written to Wade expressing the gratification of the Governor-General at the attempt of Maharaja Ranjit Singh to systematise the transit duties (B. N. 32, p. 56-B). Wade had informed Macnaghten of what the Maharaja was doing in the way of regulating the duties levied between Attock and Phillaur.

and consequently to delays and exactions. According to Macnaghten, the only remedy was to induce the native states concerned to abolish all the intermediate Chowkis and to collect their dues at one place on either frontier, in the manner proposed by Maharaja Ranjit Singh. The collection of duties was not to be undertaken by the British Government.<sup>1</sup> Clerk was instructed to prevail upon the Chiefs to adopt the idea; a tariff was to be published, indicating the established rates of duty. The system was first to be introduced on the road from Delhi to Amritsar; later on, if successful, it could be adopted on the Jagadhari-Ludhiana road. In other words, the plan proposed by Macnaghten was similar to that of Prinsep, which he had propounded in his letter of November 11, 1831. The reply given by Clerk was that the Chiefs were opposed to the measure. However, he tried to do something in the matter. In a letter to Fraser, dated July 25, 1833,<sup>2</sup> he wrote that he had negotiated the amount of compensation to be paid to different Chiefs in lieu of duties to be levied upon all goods on the Jumna and was submitting the proposal for the sanction of Government. The negotiations were long and tedious as the Sardars had formed an exaggerated estimate of their income from this source. But, as Clerk remarked, time and explanation had taught them to view the subject more correctly. An agreement, sealed and signed, had been deposited in the Agency Office at Ambala. The under-mentioned Chiefs were promised the amount shown against each<sup>3</sup> :—

	Rs.
(a) Rani Sukhan of Dialgarh and Jagadhari.	300
(b) Mai Ram Kunwar of Chillaundi.	50
(c) Mai Jian of Thanesar.	350
(d) Sardar Ajit Singh of Ladwa.	200
(e) Nawab Mch-yud-din Khan of Kunjpura.	100
(f) Nawab Ghulam Ali Khan of Kunjpura.	150
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Total :	1,150
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1. Wade was in favour of the British Government undertaking this duty.

2. Clerk to Fraser, B. N. 59. 79, L. N. 59.

Government had directed Clerk to effect a pecuniary compromise with the Chiefs.

3. Ibid

Clerk added that the first three would lapse to Government, after the death of

Another problem that Clerk had to face was smuggling, which went on, at times with the connivance of the British Customs Officials and those of the Chiefs. Government was anxious to stop it for establishing a customs preventive line along a canal.....the Shah Nehr.....which ran from the Hills in the North to Delhi. In April 1835, Metcalfe requested Clerk to ascertain and report on the "practicability of introducing with the free consent of the Chiefs concerned, the British Customs Chowkis and management into their territory"<sup>1</sup> Clerk in reply pointed out that the construction of the canal had inflicted suffering on the people.<sup>2</sup> Peasants, whose lands were intersected by the Canal, had to swim across for eight months in a year in order to cultivate their fields. So he recommended construction of three bridges to minimise this evil.<sup>3</sup> Further, in all cases of temporary destruction of crops or permanent loss of arable land by submersion, he had granted full compensation, without making any distinction between the subjects of the British Government and those of the Chiefs. Although the latter were not actuated by the idea of promoting the happiness of the people,<sup>4</sup> yet they were against the introduction of Customs Chowkis in their territory.....Clerk cited the example of Sardarni Sukhan of Dyalgarh.<sup>5</sup>

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1. Metcalfe to Clerk, April 22, 1835, B. N. 35, L. N. 19.

2. Clerk to Matcalfe, October 23, 1835, B. N. 81, L. N. 120.

As Clerk observed later, the canal had been built without obtaining the consent of the Chiefs.

3. Metcalfe expressed the approval of Government but wanted to know the probable expense which it would have to bear.

(B. N. 35, L. N. 67).

4. Clerk remarked : "Sikh proprietors are not commonly remarkable for a consideration for the welfare and comfort of the people subjected to them".

(B. N. 81, L. N. 120)

5. She was one of the two widows of Bhagwan Singh of Buria and had a moiety of the duties levied at Jagadhari, a very important emporium, while the other moiety was possessed by the British Government. The income from the Jagadhari duties was about Rs. 25,000 per annum. After meeting the expenses of collection, amounting to Rs. 5,000, the remainder was divided equally between the two co-sharers. She expressed her unwillingness to the introduction of British customs stations, although Clerk felt that her demur to the proposal was not genuine and that she was ready "to be bribed to comply". On Metcalfe's inquiry as to the nature of the Sardarni's expectation, Clerk replied



Metcalfe again approached Clerk on the question of establishing British Customs-Houses within the territories of the Protected Princes. He wrote a despatch to Clerk dated May 26, 1836, and also forwarded a map prepared by the Collector of Government Customs, showing the position of the line of the proposed Chowkis.<sup>1</sup> Clerk was also asked to say whether the places noted by the Collector were subject to British control.

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that she wanted to be paid Rs. 10,000 a year.....half in money and the other half in lands, the latter including six and a half villages, situated to the left of the canal, which once belonged to her sister-widow but were now with Government. As Clerk observed : "The importance she attaches to a cession of this kind is in proportion to her dread of the annoyance she anticipates from the interference of the customs-officers". On these terms, she would agree to the proposal of Government. If these terms were not considered attractive by Government, Clerk proposed another alternative. Sukhan was anxious to provide for her brothers. As all her estate would lapse to Government, she was anxious to provide for her brothers. If Government could see its way to sanctioning the assignment, Clerk was sure that the Sardarni would agree to the establishment of the British Customs-Houses. He added that he himself was in favour of accepting the Sardarni's condition although he was wise enough not to allude to the subject in conversation with her agent thinking that he might "awaken hopes of a nature which it would occasion much pain to disappoint".

Clerk to Metcalfe, October 23, 1835, B. N. 81, L. N. 120.

Metcalfe to Clerk, October 30, 1835, B. N. 35, L. N. 67.

Clerk to Metcalfe, November 12, 1835, B. N. 81, L. N. 132.

1. Metcalfe to Clerk, May 26, 1836, B. N. 37, L. N. 42.

Bushby to Metcalfe, May 14, 1836, B. N. 36, p. 132.

Bushby had asked Metcalfe to ascertain from Clerk whether the Sikh Chiefs would be willing "that the customs preventive line should be established in the territories along the canal". As said before, the canal.....Shah Nehr ..... ran from the Hills in the North to Delhi. The portion up to Karnal passed through villages belonging to the Protected Princes while the lower portion through the British territory. As regards the latter, the customs-line could be carried without any trouble; in regard to the former also, the Sadar Board of Revenue did not apprehend "any insuperable difficulties in the way", although much depended on the determination of Government to support the arrangement; the Secretary of the Board wanted that Clerk should be directly approached, and informed of the degree of importance attached by Government

Clerk made a reply in August 1836.<sup>1</sup> Among the places mentioned by Mr. Smith, the Collector of Government Customs, the British Government had joint interest in Buria, Khizrabad and Jagadhari. Clerk also referred to his despatches of October 23 and November 12, 1835,<sup>2</sup> relating to an arrangement, proposed by Sardarni Sukhan, which would enable the Government either to abolish the Customs—House at Jagadhari or render it more efficient.<sup>3</sup> Clerk also forwarded a document originally in Persian, drawn up by the agents of the Chiefs of Kunjpura, Chappar, Zenpur, Ladwa, Thanesar, Dyalgarh, Chillaundi, Buria, Chichrauli, Busi and Dhanaura, through whose territories the proposed new line of the Customs-Houses would extend. It had been signed and sealed and presented to Clerk as a compliance with the wishes of the Board of Revenue in respect to the proposed Chowkis on certain conditions.<sup>4</sup>

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to the success of the negotiation. In order to make the preventive line effective, the whole of the establishment was to be transferred from the Haryana line, to the Shah Nehr. The Lieutenant-Governor approved of the transfer; the Secretary of the Board again requested the Lieutenant-Governor to be allowed to contact Clerk "with a view to making arrangements for carrying the frontier line through the Sikh villages on the canal which are under the Political Agent's immediate superintendence".

B. N. 36, p. 132, March 8, 1836, and

Macswen to Deeds, March 24, 1836, B. N. 36, p. 133-34.

Deeds to Macswen, April 8, 1836, B. N. 36, p. 134-35.

It seems that the Haryana line in spite of its being incomplete was not entirely given up because in 1843, Thomason, Secretary at Calcutta, observed to Clerk that it would be very agreeable to Governor-General to give up the Haryana line—a course of action which might take some time.

(B. N. 133, L. N. 77, May 8, 1843).

1. Clerk to Metcalfe, August 5, 1836, B. N. 82, L. N. 133.

2. Of the two, the latter despatch is more important.  
It has been already discussed.

3. Government did not agree to Clerk's proposal or buying out the Sardarni, for in June 1841, he again wrote that Rs. 10,000 a year would satisfy her. He also expressed himself in favour of abolition of town and transit duties of Jagadhari as it would immensely benefit trade and that Government would not be a loser in any way, as the income from Saharanpur duties would increase.

(B. N. 83, L. N. 177).

4. Clerk to Metcalfe, August 5, 1836, B. N. 82, L. N. 133.

According to Clerk, the important principles upheld by them were two-fold :

- (a) the tract of the country lying between the Jumna and the canal, Shah Nehr, should with exception to a narrow slip to be defined, be secured against the intrusion of British Customs Officers, and
- (b) that compensation should be made to the Chiefs either in lard or annual money payment to a fixed amount for the present deterioration or destruction of their lands by the constant over-flowing of the canal water.<sup>1</sup>

Clerk went on to say that the average breadth of the tract of marshy lands for which the Chiefs required compensation might be estimated at one hundred yards on each bank, although in some cases mischief, created by the canal, extended to half-a-mile or more. The land of both banks, being thus purchased by Government, would be open to the Customs Patrols together with the Canal itself.<sup>2</sup> Boundary pillars would be erected to define the limits of search. The Chiefs were willing to relinquish such lands by sale or exchange; the cost estimated by Clerk, was about Rs. 25,000 per annum or two or three thousand less; the lands to be relinquished by Chiefs was expected to yield about Rs. 5,000 a year. so that Government would have to bear an expense of about Rs. 20,000 per annum.

Clerk then forwarded the copy of 'Wajab-ul-arz' and gave his own criticism of its various stipulations. They were, as follows :—

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1. Earlier also Clerk had written about such land. He was of the view that these lands ought to be measured and than compensation paid. The annual loss of revenue was estimated by him to be between Rs. 1000 and Rs. 1200.

(B. N. 81, L. N. 132).

2. Clerk to Metcalfe, August 5, 1836, B. N. 82, L. N. 133.

Clerk had also expressed the opinion that Jumna, in certain months, could serve the purpose of a canal to form a preventive line to check smuggling.

*Clause 1.* It proposed that compensation should be made to the Chiefs or money payments made for the damage, done to the lands on the anal. Clerk thought the demand quite reasonable.

*Clause 2.* The clause stipulated that the interference of the Customs Officers in the lands, lying between the Jumna and Shah Nehr be prevented.

Clerk remarked that the tract was cultivated and open; its exemption from search would be immaterial, if the Shah Nehr were vigilantly watched.

*Clause 3.* It provided for the passing and re-passing the Canal by the Chiefs, their retainers or their 'Sipahis', as hitherto without interruption from any body; also the villagers were to be permitted to cross the canal at all hours of day or night.

According to Clerk, it would be very inconvenient to the Chiefs to be debarred from this privilege; it would be still worse for the villagers, as the fields of some were intersected by the Canal.

*Clause 4.* This clause stipulated that when a Chief had a ferry on the Jumna, it would still belong to him; the revenue from them would be confined to the fare from passengers only.

Clerk said that the ferries were few; moreover, trade would no longer be subjected to the payment of the duties at the ferries.

*Clause 5.* The Chiefs claimed the right of establishing ferry-boats on the canal wherever the villages really need them; there was to be some reduction in the amount of the fee now paid; permission was to be given to the village cattle to drink water from the canal.

Clerk was of the view that the bridges would be built over the Shah Nehr which would obviate the necessity for more ferry boats and induce the proprietors to dispense with some now in use. At all events, the clause provided that such boats were to be in a manner under the control of the Customs Department. Cattle were given permission to drink water



*ause 6.* This clause provided that the Chiefs would continue to levy transit duties at certain Chowkis in the tract lying between the Jumna and the canal (Shah Nehr) or otherwise compensation be paid to them.

According to Clerk, these duties, exclusive of the duties on merchandize levied at some of the Jumna ferr'es, amounted to an inconsiderable sum; Clerk, therefore, was of the opinion that the right be bought by Government.

*Clause 7.* Inhabitants of villages be allowed to pass free with all articles for their use and consumption to the value of five or six rupees; when they required larger quantities, a note from the Chief would suffice to pass them.

Clerk thought that the rule could be so regulated as to prevent inconvenience to the people or embarassment to the Customs Department.

*Clause 8.* It provided for the free transport of revenues realised in kind by the Chief residing on one side of the Canal from the villages on the other side; this comprised all sorts of village produce, some taxable and other contraband.

Clerk believed that the clause would require some consideration.

*Clause 9.* The above engagement was to be made at first for three years; at the end of this period, the British Government could consider the engagement null and void, if it did not fulfil the expectations at present entertained of its advantages.<sup>1</sup>

Apparently, Government was not satisfied by these conditions as the reply of Metcalfe<sup>2</sup> was that Clerk should postpone the negotiations for the establishment of British Custom—Houses.

1. Clerk to Metcalfe, August 5, 1836, B. N. 82, L. N. 133.

Metcalfe to Clerk, August 8, 1836, B. N. 36, L. N. 71.

About a year later, there is again a mention of the Shah Nehr in a letter from Clerk in which he described the damage resulting from it. According to him the lands on either side of the canal had been thrown out of cultivation and as the mischief was on the increase, bitter complaints were being made by the Chiefs.<sup>1</sup> By way of reply, Metcalfe in October 1837, forwarded a letter of Hamilton in which the Lieutenant-Governor had declared that all losses incurred by the land-owners on the banks of the Shah Nehr should be charged to and defrayed by the Canal Department. Further, the Canal Superintendent had been required to propose measures for preventing such sort of damage.<sup>2</sup> Clerk admitted the justice of giving compensations to the Sikh Chiefs which to him seemed "so obvious", more so when the previous consent of the Chiefs to the building of the canal had not been obtained.<sup>3</sup> Metcalfe also suggested the appointment of a well qualified surveyor to remeasure the lands in the presence of the accredited agents of the Chiefs.<sup>4</sup>

1. Clerk to Metcalfe, September 25, 1837, B. N. 83, L. N. 43.

Clerk wrote that the loss suffered by the Princes and the cultivators was severe and the only way to lessen the evil was to control the flow of the canal water. \*

2. Metcalfe to Clerk, October 28, 1837, B. N. 37, L. N. 103.

Hamilton to Metcalfe, ,, 21, ,, ,, p. 372.

3. Clerk to Metcalfe, March 16, 1838, B. N. 83, L. N. 60.

,, ,, June 12, ,, ,, L. N. 68.

Clerk added that no negotiations had been entered into with the Chiefs who were informed by a Proclamation to give all assistance needed.

4. Metcalfe to Clerk, October 10, 1838, B. N. 38, L. N. 67.

,, Macnaghten, September 22, 1838, B. N. 38, p. 305.

There is no further reference to the canal or the working of the preventive line on it till 1843. In that year, Thomason, Secretary to the Supreme Government, expressed the desire of the Governor-General to abolish all import duties in the Company's dominions except those on salt and cotton and wanted Clerk, who was then the Envoy at Lahore, to negotiate with the Chiefs, whose territories lay along the left bank of the canal, for carrying on certain measures by Government along the canal to prevent smuggling. He further observed: "The

The next time when we hear of the customs duties is in December, 1838, when Metcalfe drew the attention of Clerk to a despatch from the Court of Directors, 'respecting the improvement of the system under which transit duties are levied by the Sikh Chiefs, asking him to furnish him with a report. The Court also expressed its opinion about the establishment of the Preventive line.<sup>1</sup>

*(Continue d from page 378)*

proposed abolition of all duties.....will be very gratifying to the Chiefs and will obviate many of the objections, heretofore entertained to the granting of the accommodation now reasonably asked from them by the British Government".

(B. N. 133, L. N. 77, May 8, 1843).

So the preventive line did not work. The reluctance of Government to accept the terms of the agreement or 'Wajab-ul-arz' proposed by Clerk between itself and the Chiefs had to do with it.

1. Metcalfe to Clerk, December 17, 1838, B. N. 38, L. N. 89.  
Torrens to Metcalfe,    "  20,    "       "       "       p. 416.

The relevant extract, was as follows :—

*Para 13.* In addition to the object which we have directed you not to lose sight of, namely that of inducing the Sikh Chiefs to improve their system of levying transit duties, you appear to be at present negotiating with some of them for the local arrangements by which the best situation may be given to the North-West Frontier Line. By far the most advantageous arrangement for both purposes, though one which it may not be easy to effect, would be agreement on the part of the Chiefs to renounce the right of levying transit duties and to permit the British preventive line to be carried round their territories, they receiving each share of the duties as may be agreed upon and as they may be entitled to ; an arrangement of this sort should be kept in view as one ultimatum and no proper opportunity should be omitted for making an advance towards it".

(Despatch No. 31, of 1838, dated May 16, 1838, B. N. 38, p. 416—17).

This desire of the Court of Directors remained only a cherished ideal for many

Clerk replied in a despatch of February 1, 1839, for "the mode in which the Sikh Chiefs may be conciliated to rendering the preventive line perfectly efficient", and referred to his communication of August 5, 1836.<sup>1</sup>

In regard to the reformation of the system of collection of transit duties, as desired by the Court of Directors, Clerk declared, as he had done before, that no great improvement consistent with the preservation of the acknowledged right of the Chiefs, was possible. As he had pointed out repeatedly, the Chiefs attached a great importance to this right.<sup>2</sup> Another great evil was that the rates of duties differed in different states. These differences and the frequency of Customs Stations, owing to the great number of independent jurisdictions between the Sutlej and the Jumna, were the greatest handicaps to trade. Though the trade was not greatly obstructed, it was put to a great inconvenience.<sup>3</sup> In most of the cases, Clerk believed that the toll was very light and it was fairly due to the proprietors in return for the obligations in which

1. Clerk to Metcalfe, February 1, 1839, B. N. 83, L. N. 104.

As already mentioned, Government had refused to take any action on Clerk's despatch.

2. In this connection, Clerk observed, as follows :—

"Of these rights there are none they cherish with greater tenacity as marking to the public their possessions and their authority than the right of levying these duties".

3. In 1835, Clerk had drawn the attention of Government to the tolls levied by the Pattidars of Ambala on the high road amounting to only Rs. 864 per annum. He desired that these duties should be abolished as the recurrence of Chowkis at an interval of about a mile each was a source of great annoyance to traders and travellers on such an important road. The Pattidars were to be given a small money compensation.



they were strictly held to keep the roads open and safe<sup>1</sup> a point of view he had expressed before. Thus Clerk was not opposed to the levy of duties by the Chiefs. What he wanted was that the two defects of the system.....different rates of duties and a frequent occurrence of Chowkis..... should be removed so as to allow the trade to expand easily.

In the end it may be observed that the disputes in which the British Government was involved with the Protected Princes, the attitude of the former was marked by a feeling of consideration for the sentiments of the latter. On the whole, it tried to take a generous view in all such cases. The dispute with Patiala over the Bhatti - Haryana frontier is typical of Government's outlook as some territory was given to Patiala even with out much of a legal justification. Similarly in the matter of the village of Singhawa, Government went to the length of returning it to its two original owners, after having occupied it for a number of years. Not only was Clerk in hearty agreement with this liberal attitude of Government towards the Chiefs, but he insisted on its taking such a view in all disputes affecting them. The case of Keonthal is a relevant example.

1. An interesting side light is thrown on the working of the Customs Houses by a letter of Clerk, dated March 17, 1840, addressed to Metcalfe. Raja Gulab Singh was going from Lahore to attend the fair at Thanesar and begged Clerk's help for a passage through the Protected Sikh States. Clerk gave him all the assistance he could in the way of certificates to prevent his being molested by the British Customs House officials, humorously remarking that every Sikh going east-ward was, if poor, under apprehension of being rifled of his opium-box, and, if rich, of his Pashmina wearing apparel at the Customs Chowkis. In spite of the certificates, he was harassed by the officials and so he complained to Clerk, who remarked : ".....I did not think the regulations could be different for those highest in rank of a court which has for those last twenty years been courteous to every traveller known to be in service of or recommended by the Company's Government".

(B. N. 83, L. N. 152).

Naturally, the contrast was glaring. Ranjit Singh and his officials used to treat the visitors from Company's dominion with great kindness.

See also, B. N. 104, L. N. 139, August 25, 1839.

Even on the question of imposition of customs duties by the Princes, Government took up a fair attitude. Although, in its anxiety to promote trade in its dominions, it had abolished all transit duties, yet it made allowances in accepting the claims of the Cis-Sutlej rulers based on existing practice. No coercive measure or even pressure was used in persuading the Princes to agree to the abolition of such duties and when the timber duties on the Jumna were abolished, a money compensation was actually given to the Chiefs concerned. Clerk himself, it may be noticed, was not in favour of the total abolition of transit duties, as the Chiefs had to be recompensed for maintaining the security of the roads, which passed through their territories... .. a view with which Government also concurred. Further, although Government was anxious that the Chiefs should adopt a uniform policy, as far as the imposition of duties throughout the Cis-Sutlej area was concerned, yet it advised Clerk to achieve this object by persuasion only; Clerk did succeed in negotiating some sort of agreement with them with the help of his personal influence. Again, in order to check smuggling, which was so rampant, Government was keen to establish one set of Customs - Houses to form a preventive line along the Shah Nehr. Clerk was asked to secure the agreement of the Princes to this end. He was eminently successful, even though Government went back on the view and thinking the terms that he negotiated as too liberal, refused to ratify them.

## CHAPTER VI.

## The British Government and the mal-administration of the Chiefs.

The mal-administration of the Chiefs was one of the main problems with which the Agent at Ambala had to contend. Not only the petty Chiefs ruled unsatisfactorily but the big Chiefs like Jind and Kaithal also were prone to gross mal-administration of their territories.<sup>1</sup> Their conception of kingship and administrative arrangements was medieval and altogether out of date. They treated the resources of their states and their subjects as personal property. Almost every Cis-Sutlej Prince thought and behaved like this, the reason being that most of them had remained occupied either in mutually destructive warfare or in warding off Muslim attacks. Another reason was that their standard of public and private morality was very low so that they wasted much of their time and energy in drinking and debauchery. These vices sapped their vitality and rendered them incapable of thinking of the welfare of their subjects or even of their own. Scores of chieftains died of intemperance at a very young age and without heirs and their estates lapsed to Government as the paramount power. Whenever the Political Agent at Ambala reported an escheat, he invariably stressed the great sense of relief which the inhabitants felt on being freed from the oppressive character of the native rule. There might have been some

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1. According to Clerk, Patiala and Nabha were the best governed of the Cis-Sutlej Principalities.

Also see, *The Calcutta Review*, Vol. II, October—December, 1844, p. 198—200,

exaggeration in the details of statements left by English officials, but their general conclusions reflected faithfully the existing state of affairs. At the same time, the British administration in adjoining parts, in spite of its alien nature, was the most efficient of all, so that the rule of the Chikhs suffered strikingly in comparison.

Another obstacle to good administration was the spirit of turbulence displayed by the 'Akalis', an extremely fanatical and intolerant Sikh sect. Forming themselves into bands of armed horsemen they frequently attacked innocent people. The troops sent against them generally showed forbearance owing to their religious character. The Political Agents had, therefore, to adopt effective measures to meet the situation frequently arising out of the eruption of the Akalis towards the south of the Sutlej.

For the purpose of keeping a check on refractory princes and unruly Akalis, a force..... 1st Local Horse .....was kept at Ambala under the control of the Political Agent. At first it solely consisted of men paid by Government; later, it gave place to a force, formed of contingents from a number of Cis-Sutlej principalities. This later organisation was not paid regularly and was not so efficient as the preceding one and drew much effort from the Agent for its improvement. Clerk, indeed, was very anxious to raise its standard as is shown by his taking up the question earnestly through addressing several despatches to Government.

#### 1. The mal-administration of Ajit Singh of Ladwa.

Clerk in a letter of 1832,<sup>1</sup> addressed to Fraser, reported that disorders were prevalent in the Ilaka of Ladwa and that no regard had been paid to his remonstrances by Ajit Singh, the chieftain. The police arrangement in Ladwa and other districts of the estate were deficient.

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1. Clerk to Fraser, May 24, 1832, B. N. 78, L. N. 25.



The Sardar had written to Clerk that he contemplated going to Hardwar and thence to Mussoorie to spend the hot months. Such conduct on the part of the Sardar was dis-respectful to Clerk and unbecoming to the Supreme Government whom he represented. <sup>1</sup>

Clerk wanted Fraser's permission for establishing a 'Thana' at Ladwa for securing the property of British residents; until the return of the Sardar. If, as he wrote, Fraser thought this measure to be a little drastic, he could at least dismiss the agent of Ladwa from the Residency, and express his disapprobation of the Sardar's attitude by some other tokens. That would enable Clerk "in a few months to effect without any direct interference a reform of the present system of Ladwa". <sup>2</sup>

Fraser's reply<sup>3</sup> explained that his opinion of Clerk's interdict to Ajit Singh's leaving Ladwa was founded on the great hardship it would have been to a Hindu Chief and his followers to be prevented from visiting Hardwar at the Kumbh fair. Moreover, it would have been interfering with the practice of their religion and the period of absence from Ladwa need not have exceeded ten or fourteen days at the most.

In regard to the establishment of a British Thana at Ladwa, Fraser was afraid that the Governor-General would not accede to his proposition as in his opinion there were not sufficient grounds for his recommending the adoption of the measure.

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1. Clerk did not want the Sardar to go but Fraser was of the view that the former had been unduly harsh and so the Sardar felt encouraged to leave for Hardwar. Clerk expressed his regret on his having given advice to the Sardar which had not been approved by Fraser, and added that the reckless conduct of the Sardar was attributed by his Vakil at Ambala to his blind submission to the guidance of his Mohammadan Agent at Delhi.

2. Clerk to Fraser, May 24, 1832, B. N. 78, L. N. 25.

3. Fraser to Clerk, June 1, 1832, B. N. 32, L. N. 32.

About the presence of the Ladwa Agent at Delhi, Fraser said that he would find out whether the practice was a new one or of old standing. If new, he would discontinue to it; if old, he would have to approach the Governor-General for orders. Meanwhile, Clerk was asked to report the details of irregularities and acts of disobedience of the Ladwa Chief to Clerk's authority.<sup>1</sup>

For a few years, I find nothing more of Ladwa being mentioned in the correspondence until 1839, when Clerk addressed Metcalfe,<sup>2</sup> forwarding a petition from the Sardar in which he had complained of the loss of his influence and revenue in his villages of Ramba, Randal and Dharar. Clerk felt that the double jurisdiction of the Sardar and Government could not but prove detrimental to the former's interests. The cause that had led to the introduction of the British Police in those villages appeared to Clerk to have been removed and the police and administration of the Ladwa estate was now as efficient as that of any average Protected State... .. a welcome change from the old times when Clerk had expressed his dissatisfaction with the administration in Ladwa. Clerk now admitted that there had been no complaint against Ladwa from the contiguous British jurisdictions, and asked Metcalfe to recommend to Government to comply with the request of Sardar Ajit Singh that his jurisdiction might be restored in those villages in consideration of efficiency.<sup>3</sup>

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1. Lord William Bentinck wrote a personal letter to Ajit Singh asking him to restore tranquillity and order in his estate and to be guided by Clerk in all matters- B. N. 32, L. N. 127 A, December 19, 1832.
  2. Clerk to Metcalfe, March 18, 1839, B. N. 83, L. N. 111.
  3. Ibid

That good opinion about the administration in Ladwa, he again expressed in a letter to Maddock on April 21, 1839. Clerk wrote that Rai Gobind Jas, the Lahore Vakil, had on several occasions requested him to take an opportunity of making known to the Governor-General the Maharaja's desire to confer on Sardar Ajit Singh of Ladwa, the title of Raja. So it was the earnest desire of the Maharaja that the Governor-General should be pleased to confer that title on the Sadar on behalf of the British Government.

*(Continued on next page)*

Metcalfe sanctioned the transfer of the police of the three villages on the understanding that if it again became necessary for the British Government to locate police in these villages, the entire administration of the villages will at the same time be assumed by the British

*(Continued from page 386).*

The reason why Maharaja Ranjit Singh was so interested in the Sardar was that Ajit Singh was his cousin and a favourite. The Sardar occasionally paid visits to Lahore and had been introduced to the Governor-General by the Sikh ruler. His rank and position were also of consequence; he stood next to the Bhai of Kaithal and the Phulkian Chiefs in rank and resources. Moreover, he and his ancestors had been well disposed to Government since its earliest connection with the Sikhs.

The British Government wanted to keep the Maharaja in good humour and accordingly the title of the Raja was conferred on the Sardar. Maddock, communicating the news, observed as follows :—

".....it will afford much pleasure to the Governor-General, to have the opportunity of gratifying the wishes of the Maharaja by conferring on a chieftain, so well entitled to the distinction and a relative of His Highness, the title of the Raja and you will be pleased to intimate His Lordship's compliance with the Maharaja's wishes on this occasion as a proof of His Lordship's desire to avail himself of every opportunity of evincing his high esteem and personal regard for the Maharaja". (Maddock to Clerk, April 29, 1839, B. N. 39, L. N. 22).

Griffin in "The Rajas of the Punjab", on page 609 (Appendix C) gives the sixth place to the Ladwa Sardar.....the other five being Patiala, Kaithal, Nabha, Jind and Kunjpura. It had a force of 1000 cavalry and its revenue was about Rs. 150,000 a year. The list is not believed to be very authentic by him. Again on page 617, Griffin gives the revenues of Ladwa as amounting to Rs. 217,550, while its forces numbered about 1930.

According to Lawrence, the Ladwa estate comprised one hundred and seventy eight villages with an annual revenue of about two and a half lakhs of rupees and was one of the worst managed of all the Protected States. (Calcutta Review, Vol. II : October-December, 1844, p. 198).

In 1845, Ajit Singh rebelled. His entire estates were confiscated and he was imprisoned at Allahabad from where he contrived to escape and is supposed to have died in Kashmir.

See Broadfoot to Currie, December 12, 1845, B. N. 167, L. N. 47.

Currie to Broadfoot, December 13, 1845, B. N. 136, L. N. 140.

Also see, Griffin's "The Rajas of the Punjab"—p. 85, 189 & 193.

Government.<sup>1</sup> It seems that Clerk had been too sanguine about Ajit Singh's administration and was soon to be disillusioned. In July 1842, he addressed a despatch to Maddock on the subject of Ajit Singh's behaviour.<sup>2</sup> The Sardar, according to the reports received by Clerk, had been conducting himself in an outrageous manner towards his people and his children now growing up. His sons had to fly to Clerk at Ambala in order to escape their father's wrath. Clerk described them as "remarkably well conducted young men" connected by marriage with very respectable Chiefs. They urged on Clerk to intervene but the latter did not consider it a case for the authoritative interference of the British Government. In order to express his displeasure, Chief dismissed the Ladwa Vakil from attendance on him-rather a drastic step.<sup>3</sup> Moreover, Clerk convinced the lads and the Ladwa's subjects that he would not prohibit their resistance to the tyranny of the Sardar. This belief was confirmed when Clerk warned the Chiefs of adjoining territory to prevent any support by their subjects to either side in the event of hostilities at Ladwa and took means to ensure strict attention being paid to these injunctions. That seemed to have frightened Raja Ajit Singh<sup>4</sup> who asked Clerk's permission to visit Lahore according to his practice of doing so on festivals. This request was supported by the Lahore Court during Clerk's recent visit there Clerk agreed hoping against hope that Ajit Singh might mend his ways and profit by the visit. Clerk had rendered him good advice both in private and in the presence of others in the most friendly terms but to no effect. The Raja would invariably relapse after short intervals into his habits of excessive debauchery and opium eating. Clerk considered that his mind had become impaired by his depraved course of life.<sup>5</sup>

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1. Maddock to Clerk, May 27, 1839, B. N. 39, L. N. 32.

Maddock to Metcalfe, May 22, 1839, B. N. 39, p. 342-43

2. Clerk to Maddock, July 17, 1842, B. N. 154, L. N. 16.

3. According to Clerk, "These extreme cases generally correct themselves under such treatment".

4. Clerk remarked that the Raja was very averse to subject his character to such a test. (B. N. 154, L. N. 16).

5. Clerk to Maddock July 17, 1842, B. N. 154, L. N. 16.

Lawrence called Ajit Singh as "a dissipated, ill-disposed person, a tyrant in his own family and as a Chief perfectly wreckless".



## 2. Mal-administration in Jind.

Clerk's despatches show that the state of Jind also was suffering from disorders through "lack of governance". His despatch addressed to Fraser in 1832 reported that outrages had been committed in the Rohtak division by the subjects of Jind.<sup>1</sup> Clerk had referred this matter to the Raja, but did not hope for any redress, till Fraser supported him in the action he was proposing to adopt.<sup>2</sup> He had also sent a letter to the Raja of Jind who had learnt that Fraser was also not feeling much satisfied with the state of things prevailing in Jind. Clerk was emphatic that Jind was the worst of the several ill-managed states bordering on Karnal and Haryana frontiers. This was due to the conduct of the Raja who had for some years past refused to dwell in or even to visit Jind and had taken up his residence at a distance of ninety miles. The predecessor of Clerk, Murray, had sent a native officer to administer Jind—an action which had brought the Raja back. But no sooner had the officer been withdrawn, than the Raja went away again.

Fraser replied in a letter<sup>3</sup> in June, 1832, that Diwan Singh, the Chief officer of Raja Sangat Singh, came to see him at Hansi, and adverted to a wish that Clerk had expressed that the Raja should immediately proceed to Jind. Diwan Singh pointed out to Fraser that the Raja could not return so soon on account of heat until the first fall of rain. Thinking it to be a genuine reason, Fraser saw no urgent objection to this delay and also expressed likewise to the Raja in a letter

1. Clerk to Fraser, May 28, 1832, B. N. 78, L. N. 27.

Murray to Fraser, March 20, 1826, B. N. 73, L. N. 43.

„ „ June 17, 1826, B. N. 72, L. N. 479.

There were disorders even in days of Murray.

2. Clerk to Fraser, May 28, 1832, B. N. 78, L. N. 27.

3. Fraser to Clerk, June 18, 1832, B. N. 32, L. N. 41.

Fraser did not think that the residence of the Raja in Jind was so very important.<sup>1</sup> Had he thought so, he would have urged it upon the Raja. In regard to his residing at Sangrur, Fraser understood the reason; after all, he had been born and brought up there; moreover, he was nearer his august relative, Maharaja Ranjit Singh, who was very fond of him. In the end he observed: "I do not deny that there would be some advantages in having nearer our frontier than the Sutlej and particularly so if he was a man of influence and of talent or of ripe age but his character is not of that stamp nor is the extent of his district so important to make the advantages of his presence at Jind paramount over other considerations of weight... however I shall not express myself in any manner likely to lead him to suppose and disapprove of the advice you have given him, for the advice is good".

But it seems that the remonstrances of Clerk produced no effect. Outrages were committed on British subjects for which no redress could be obtained; the demoralisation of the state was complete. In March 1833, Clerk reported that an attack had been made on Captain Talbot in the Jind Territory,<sup>2</sup> and added that the practice of addressing the Raja

1. Fraser wrote, as follows :— "I do not attach so much importance to Sangat Singh's residence at Jind as you do.....His father and grand-father staying there had some effect but not so much as you anticipate from the present Chief leaving Sangrur and Jind.....If we were sure of the benefit of the kind you expect from Sangat Singh's living at Jind, I would not hesitate to urge that upon him".....

"It does not appear after all that the residence of the Chiefs of Kaithal and Ladwa at the towns respectively has proved those advantageous results in the districts you expect from the residence of Sangat Singh at Jind".

(Fraser to Clerk, June 18, 1832, B. N. 32, L. N. 41)

2. Clerk to Fraser, March 22, 1833, B. N. 79, L. N. 13.

Clerk wrote a personal letter to Talbot expressing his regret on his having been subjected to such an outrage and assured him to doing his best to get the Jind authorities pay compensation to him and apprehend the perpetrators (B. N. 79, 193). He also wrote to Major-General Adams, Commanding, Sirhind Division, Karnal, that he would try to get redress for Talbot from the Jind authorities.

(B. N. 79, p. 194).

of Jind from the Agency Office, Ambala, only remained in form as the Raja did not pay any attention. According to him, the Raja used to avail himself of the means he possessed of conducting his relations with the Ambala Agency through the superior office at Delhi. The result was that the references made to Jind authorities by Clerk were not acted upon, until it was ascertained, through their agents at Delhi, whether the necessity for doing so might not be evaded.<sup>1</sup> Clerk admitted that in ordinary matters it did not occasion any great inconvenience but the attack on Talbot was a serious matter and prompt action should be taken for the apprehension of the perpetrators of this daring outrage. He appealed to Fraser to lend him his support.<sup>2</sup>

### 3. Mal-administration in Kaithal.

Things were bad in Kaithal also. Writing in May, 1832,<sup>3</sup> Clerk remarked that he had great hopes of reporting a better state of things in Kaithal; many malefactors had been caught and he thought that they would be severely dealt with. But the needful was not done as the ruler of Kaithal, Bhai Udai Singh, had been invested with the sole authority only a short time back; and that perhaps might have caused the delay.

Again when corresponding with Metcalfe in 1837 on the question of Haryana frontier, Clerk observed that there was no responsible administration in Kaithal with which he could negotiate on the matter.<sup>4</sup>

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1. That was a characteristic of other Chiefs also. I have referred to this point in conclusion again.
  2. Jind was badly governed under Sangat Singh but its administration materially improved under Sarup Singh, who proved to be quite a capable ruler.

Calcutta Review, Vol. II, p. 196-97.

3. Clerk to Fraser, May 28, 1832, B. N. 78, L. N. 29.

4. Clerk to Metcalfe, June 30, 1837, B. N. 83, L. N. 4.

When Kaithal had been declared a lapsed territory in March 1843, Clerk in a letter to Hamilton, Secretary to Government of the North-West Province, described its condition in the following words<sup>1</sup> :—

“An inspection... of the Kaithal has convinced Major Lawrence of the deplorable state of neglect to which the late Government of Kaithal had for some years abandoned the inhabitants. There are villages but there is little or no cultivation. The villagers live for the most part on plunder.....” Veritably, the annexation of the state must have proved a boon to the inhabitants.

That the condition on the borders of these states.....even Patiala being no exception.....was equally deplorable, would be apparent from the following :— In September 1839,<sup>2</sup> Maddock forwarded a complaint from the Magistrate of the Western Division, Delhi. The Magistrate wanted to bring to the notice of Government serious disorder in the villages in the Kaithal and Patiala territories adjoining the North and North-East corner of the Western Division of Delhi territory.<sup>3</sup> The object of Maddock was that Clerk should call upon the Chiefs to put a stop to the discreditable proceedings which were having a serious effect on the tranquility and well-being of British territory.

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1. Clerk to Hamilton, April 28, 1843, B. N. 88 A, L. N. 53.
  2. Maddock to Clerk, September 26, 1839, B. N. 39, L. N. 48.
  3. Brown to Maddock, September 8, 1839, B. N. 39, p. 455-58.

Brown, the Magistrate, reported of serious disorder and disorganization in his district ; attacks were made by villages of opposite parties, cattle were taken away, innocent people were killed and property was looted. In spite of his best efforts, he could not obtain any compensation for victims from the Vakils of Kaithal and Patiala.

He also remarked : “.....considerable enmity and bad feeling had prevailed for some months past between Sikh authorities of both Ilakas, who wink at, if they do not positively encourage the acts of plunder and aggression committed by the villagers of their own territory”.



#### 4. The aggressions of the Akalis<sup>1</sup> and the Sikh Contingent at Ambala.

1. The Akalis had been a cause of anxiety to Captain Murray also as is apparent by a number of letters which passed between him and Elliott, the Resident at Delhi. Writing in 1823, Murray reported the depredations of an Akali named Naina Singh and his calling on the Raja of Patiala to expel him from the Protected territory. (B. N. 71, L. N. 84, and L. N. 97). Again in 1824, Murray talked of an attack on the village of Nihang Khan of Kotila by the Akalis in which the son of the Khan was killed. The troops of Patiala and Malerkotla defeated and dispersed them (B. N. 72, L. N. 49). He issued a proclamation to the Protected Sikh Chiefs for the more effectual suppression of bloodshed and outrage by Akalis from the north bank of the Sutlej (B. N. 72, L. N. 56). Again Murray reported to Elliott that several Akalis had entered Delhi from Hyderabad with the intention of raising disturbances in Patiala and Ambala (B. N. 72, L. N. 101). Four years later, Murray once again talked of the Patiala troops defeating Akalis who were devastating the country between Anandpur and Damdama and killing the leader Uttam Singh. He also suggested that Maharaja Ranjit Singh be addressed on the subject.

(B. N. 75, L. N. 53, April 12, 1828).

Writing to Colonel Fagan, Adjutant General, Murray observed that Ranjit Singh, if sincere in his endeavours, had means to check the yearly depredations of the Akalis: if they tried to enter the Protected States, he was prepared to expel them. (B. N. 75, L. N. 294, February 11, 1829).

Elliott in a letter of April 2, 1824, expressed his intention of recommending to Government that a party of Skinners' Horse be permanently located at Ambala to act against the Akalis; Ranjit Singh was to be addressed regarding the proceedings of the Akalis. (B. N. 24, L. N. 61). Again Elliott on May 26 1824, approved of the measures adopted for repelling the aggression of the Akalis, and acknowledging the services of the Patiala troops. (B. N. 24, L. N. 105). On April 15, 1828, a 'Kharita' was addressed to Ranjit Singh dealing with the Akali problem (B. N. 28, L. N. 79). Again Colebrooke, the Resident, approved of the measures taken by Murray with a view to preventing the depredations of the Akalis (B. N. 29, L. N. 37).

Wade, the Political Assistant at Ludhiana, had also to deal with the Akali problem. He addressed two letters to Colebrooke, the Resident—one on December 29, 1828 (B. N. 96, L. N. 190) and the second on February 3, 1829 (B. N. 97, L. N. 108) and a third to Murray on January 31, 1829 (B. N. 97, L. N. 108).

*(Continued on next page)*

In July 1832, Clerk reported<sup>1</sup> to Fraser that a party of Akalis, fourteen or fifteen in number, plundered the crops at Shahabad. Out of three sepoy sent to check them, two were attacked and killed by them, while the third escaped wounded. Sardar Kahan Singh of Shahabad reported the matter to Clerk and requested him to send a Rissala of the Skinners' Horse, stationed at Ambala. Clerk did not do so but held a party in readiness to intercept them, if they tried to escape. Clerk informed Fraser that he had called upon the rulers of Patiala and Kaithal and other chiefs to apprehend them and should they offer resistance, to attack them. Fraser asked Clerk to despatch a party of Skinners' Horse to assist the Sikh troops in expelling the Akalis.<sup>2</sup>

*(Continued from page 393)*

13). In the first, Wade warned the Resident against the expected attacks of the Akalis on the approach of the "Basant". He wanted Murray to repeat the proclamation to the Protected Princes asking them to prevent the Akalis from entering their territories. He also informed the Resident of the precautions taken by Ranjit Singh. In the second letter, he detailed the measures taken by Ranjit Singh to prevent the Akalis from crossing the Sutlej. In the third letter, addressed to Murray, he asked him to warn the Rupar and Singhpura Chiefs against allowing the Akails from crossing the Sutlej.

Colebrooke asked Murray in a letter, of January 6, 1829 to adopt Wade's suggestion "or preventing the inroads of the Akalis during the ensuing festival of "Basant". (B. N. 29, L. N. 3).

Griffin says that Ranjit Singh was afraid to interfere too closely with those men; for though little better than drunken savages they were supposed by the Sikhs to possess a semi-sacred character, and were useful when desperate deeds were to be done. Their reckless valour turned many a wavering fight into a victory but they were an unmitigated nuisance and danger during the Maharaja's reign and nearly embroiled him with the English by their attack upon Metcalfe's

Mussalman escort in 1809. (Ranjit Singh, p. 135).

For the dress, manners and habits of the Akalis, see the Calcutta Review, Vol. II, Oct.—Dec : 1844—p. 183—84.

1. Clerk to Fraser, July 2, 1832, B. N. 78, L. N. 38.
2. Fraser to Clerk, July 9, 1832, B. N. 32, L. N. 53.

Writing again about the Akali party, <sup>1</sup> Clerk reported its having evaded the vigilance of a party sent in its search by the Raja of Patiala. But when the Akalis neared Malerkotla, the ruler sent some horsemen to attack them, as Clerk had enjoined upon him to aid in their capture. The Malerkotla party came up with the Akalis who refused to submit. A fight ensued and resulted in the death and capture of the whole party. In the course of the performance of their duty, the Kotla Horsemen were carried beyond the limits of their principality; they overtook the Akali in the contiguous lands of the village Mohal belonging to Maharaja Ranjit Singh.

Fraser on behalf of Government, conveyed thanks to the Rais of Malerkotla and his horsemen for their successful exertions in preventing the escape of the Akalis <sup>2</sup> He further stated that the circumstances of the pursuers having been carried in their eagerness beyond the limit of their master's jurisdiction was a matter of no consequence. Clerk also appreciated the restraint and moderation exercised by Maharaja Ranjit Singh in this matter.<sup>3</sup> According to him, the conduct of the Sikh ruler of Lahore was deserving of great praise and that, in turn, was a proof of his cordiality and good feeling towards the British Government. Clerk had also a good word to say regarding the conduct of the Thanedar of Mohul, a village belonging to Lahore, as the fugitives were Akalis and their pursuers were Mohammadans.

1. Clerk to Fraser, July 5, 1832, B. N. 78, L. N. 39.
2. Fraser to Clerk, July 12, 1832, B. N. 32, L. N. 55.
3. Clerk to Fraser, July 24, 1832, B. N. 78, L. N. 45.

Clerk, watching the reaction of the Maharaja, observed: "The conduct on such an occasion of any other chieftain reckoning among his subjects a class of overbearing fanatics would probably have been to have first saved his credit with them in instantly retaliating on the pursuers and then to have apologized to the Supreme Government for an uncontrollable and unauthorized hostile proceeding on the part of his officers at a distant outpost."

Again in 1837, Clerk reported to Metcalfe that a hundred Akalis had crossed the Sutlej in the Mamdot territory, itua'ed below Ferozepur, and had arrived at Mukteshwar, a fort situated between the Protected Sikh States, though belonging to Lahore.<sup>1</sup> Their incursion excited alarm among the Protected Princes. Wade appealed to the Maharaja who sent an officer to recall them. Clerk later wrote that the Akalis were induced to return to the mouth of the Sutlej by that officer and a detachment, sent by Maharaja Ranjit Singh.<sup>2</sup>

The Akali menace was considered a serious one by Clerk, as he refers to it again and again especially in the discussion which ensued between him and Government over the nature of the duties of the Horse at Ambala.

1. Clerk to Metcalfe, January 14, 1837, B. N. 83, L. N. 1.

Metcalfe, in his reply dated January 16, 1837, informed Clerk that the Brigadier, Commanding the Sirhind Division, had been apprised of the occurrence and requested to attend to any requisition that he might receive from him. This showed that Government also took a serious view of the situation created by the Akalis in crossing the Sutlej and proceeding to the fort of Mukteshwar. (Metcalfe to Clerk, January 16, 1837, B. N. 37, L. N. 4).

The Brigadier assured Metcalfe that due attention would be paid to any requisition for military aid to repel the Akalis (B. N. 37, L. N. 5, January 23, 1837).

2. Clerk to Metcalfe, January 24, 1837, B. N. 83, L. N. 2.

There were other incursions of the Akalis; for example, in 1839, Clerk reported an affray between some Government Sawars and the Akalis of Damdama (B. N. 39, L. N. 27). In 1840, another band of Akalis seemed to have made their way into the Protected States as Metcalfe in a letter to Clerk asked him to report their movements (B. N. 126, L. N. 56, March 28, 1840). Similarly Maddock, Secretary to Government of India, forwarded to Clerk the correspondence of Wade regarding the disturbances created by a body of Akalis from the North of the Sutlej at Sirhind (B. N. 126, L. N. 73, April 27, 1840).

Replying to Maddock's letter, Clerk observed that the Akalis repaired from Sirhind to Makhawal and being there joined by others created a disturbance in the town but were promptly attacked by the Lahore authorities and driven back across the Sutlej. (B. N. 83, L. N. 155-A, May 12, 1840).



This force of horsemen (1st Skinners' Horse<sup>1</sup> numbering one hundred, was kept at Ambala in order to provide support to the Political Agent in the execution of his multifarious duties. In the days of Clerk, Government desired him to be content with the Sikh Contingent, contributed by the Protected Princes, which already existed though it was smaller and not well organised.

In 1832, <sup>2</sup> Colonel Casement, Secretary to Government Military Department, inquired of Clerk "the nature of the duties on which the men of the detachment of the 1st Irregular Horse.....are employed as well as the manner in which the detachment is distributed". Clerk replied: <sup>3</sup> ".....the repeated incursion into these Protected States of bodies of the fanatic and turbulent priests called Akalis having rendered it necessary to call on some of the Sikh Chiefs for the aid of Mussalman troops to repel such aggressions and these troops being not always to be relied on for the due performance of such service, on account of the religious prejudices of their Chiefs, <sup>4</sup> the Governor - General's Agent at

1. The force was stationed at Ambala to act against the Akalis. In 1824, Elliott, the Resident, writing to Murray, intimated his intention of recommending to Government that a party of Skinners' Horse be permanently located at Ambala to act against the Akalis and other marauders. (B. N. 24, L. N. 61, April 2, 1824). M. G. Reynel, Commanding, Meerut Division, informed Murray that he had issued the necessary orders for the location of 100 of Skinners' Horse at Ambala and asked him to write to the Officer Commanding at Hansi.

(B. N. 24, L. N. 106, May 27, 1824).

Murray writing to Z. W. D. Conway, Station Staff Officer on November 15, 1823; intimated to that officer that under the authority of the Governor-General, a complete Rissala of Skinners' Horse had been ordered to be stationed at Ambala (B. N. 72, L. N. 432)

Casement to Clerk, September 17, 1832, B. N. 32, L. N. 74.

Clerk to Casement, October 10, 1832, B. N. 78, L. N. 70.

The Akalis, in spite of their lawless habits, were respected by the Sikhs and as most of the Protected Princes were Sikhs, they were averse to the use of their troops in suppressing their disorders.

Delhi recommended that one hundred of the Skinners' Horse should be stationed at Ambala to act on the instant either by themselves or in support of the Sikh Chieftains on the occurrence of any such outrages".<sup>1</sup> Clerk then went on to give one instance; the Akalis cut up a Thana near Ambala and were punished with the help of the Skinners' Horse; that happened only in August 1832, three months before the writing of the letter. As a result of the stationing of the Horse, the Protected States were visited less frequently by the desperate Akalis. Though the number of the Skinners' Horse was not more than half the number previously kept, yet it was sufficient for the purpose.

Another use of the force was that it was "frequently employed and very advantageously to check hostilities among these and many turbulent proprietors, especially in the sowing season". As Clerk observed: "The most outrageous conduct on such occasions of any of the petty chiefs is commonly put a stop to by securing the aggression with a Dastuck of a few of these Horsemen; the cause of dispute is then inquired into and the difference arranged by the Local Agent. Instead of fifty lives being sacrificed in these quarrels, one is sacrificed". That was the reason why Clerk expressed himself so emphatically against the withdrawal of the party of Skinners' Horse or the substitution of

1. Clerk to Casement, October 10, 1832, B. N. 78, L. N. 70.

Writing in January 1837 to Metcalfe, Clerk clearly explained that Government in 1824 had directed that a Rissala from the 1st Local Horse and an efficient contingent of the Sikh Horse should be maintained at Ambala to guard against the attacks of the Akalis.

(B. N. 83, L. N. 1. ).

But as the former proved adequate to the task that it was expected to perform, the latter was neglected. The first time the Chiefs were requested to send their Contingents was in the days of Murray, who was personally responsible for it.

(B. N. 24, L. N. 105)

Horsemen of any other description in their place.<sup>1</sup>

But Government was not convinced by the arguments of Clerk as in 1833 his opinion was called to the expediency of withdrawing that force and replacing it by a body of equal or greater strength to be furnished by the Protected States.<sup>2</sup>

In reply, he referred to the letter that he had addressed to Colonel Casement in the previous year and repeated the Government had ordered the stationing of a sufficient body of Horse at Ambala in order to prevent the outrages, generally perpetrated by the Akalis. He also gave one specific example; Maharaja Ranjit Singh adopted certain coercive measure against the Akalis who retired to Anandpur Makhwal, on this side of the Sutlej. Some apprehensions were awakened by their vicinity but far less anxiety and alarm prevailed than would have been felt, had it not been known that their movements were closely watched by the Local Agent, and that a body of troops was there in readiness to act against them or to check them.

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1. Clerk observed: "In considering, therefore, how much bloodshed is thus spared as well as the check they offer to the incursions of the Akalis into the villages of our own subjects in this direction, I should regret the withdrawal of the party of Skinners' Horse....." At another place, Clerk wrote: "The rapid progress which agriculture is making in these states is almost incredible. But it is easy to imagine the manner and spirit in which a Sikh Jat.....intrudes his plough on the confines of another proprietor. Thus arise the most serious frays that now-a-days occur in these states. In preventing these collisions and in averting when they take place, the excesses which would otherwise ensue, consists a not unimportant part of the duties of the 1st Local Horse". (B. N. 82, L. N. 127).
  2. Clerk to Fraser, April 30, 1833, B. N. 79, L. N. 25.  
In the days of Murray, there was not only the Local Horse but also the Sikh Contingent, although the number of the latter was fewer in as much as Ladwa ardar and Sham-inghia Sikhs did not furnish any quota. Government now wanted that Clerk ought to be content only with the Sikh contingent which was to be improved and made efficient.

Clerk was not in favour of substitution of this force by any Contingent contributed by the Sikh allies. He thus explained: "The objection to the withdrawal of Rissala is that whatever description of horse, the Sikh Chieftains might be directed to substitute, the latter would not be so much relied upon to act effectively against those, who although discountenanced in consequence of their violent and reckless habits are still regarded with feelings of religious veneration by the Sikhs in general".<sup>1</sup>

This despatch also failed to influence Government in favour of keeping the 1st Local Horse at Ambala. Writing to Fraser,<sup>2</sup> Clerk acknowledged his letter, transmitting the orders of Government for the withdrawal of the party of the Local Horse from Ambala. He added that it would leave for Hansi immediately. He then went on to observe that little reliance could be placed on the contingents which might be contributed by different states; they would consider themselves responsible only to those, to check whose aggressions and to control whose subjects, they were to be employed

As to the number of Horse kept by different states, Clerk stated that in 1824, Patiala had furnished 100 Horse; Jind, Kaithal and Nabha 50 each, and Malerkotla 25.<sup>3</sup> The number was only nominal as

1. Clerk to Fraser, April 30, 1833, B. N. 79, L. N. 26.

2. " " July 19, 1833, B. N. 79, L. N. 56.

3. There were disputes among the Pathans of Malerkotla, regarding the proportion in which they were to furnish the Contingent. Clerk proposed that each be required to furnish according to the share of the Malerkotla revenues; the Rais to furnish 10. Horsemen and 5 each by the other three (B. N. 80, L. N. 170, September 27, 1834). Fraser expressed his agreement with the arrangement proposed (B. N. 34, L. N. 60, October 1, 1834). But on September 30, 1837, Clerk informed Metcalfe that the Rais of Malerkotla had addressed him a letter that Rahmat Ali Khan and Turabaz Khan did not want to comply with the prescribed terms of payment of their quotas of Horse furnished by them for the duties of the Agency. The Rais had requested him to bring it to his (Metcalfe's) notice. Turabaz Khan was demurring on the plea that he was appealing to Delhi against former proceedings. (B. N. 83, L. N. 46).



they were neither in quality nor in number, what they were originally proposed to be. Clerk further suggested that the Ladwa Sardar also should be asked to send a contingent of 25 Horse. He also wanted that a proportion of their native officers should be either nominated by Government or the Governor-General's Agent at Delhi and was emphatically of the view that it would very desirable that a party from the Rissala, about to be withdrawn, should be continued at Ambala, until the arrangement was completed for the substitution of Sikh Horse of a proper description.<sup>1</sup> In short, Clerk did not want the substitution but being helpless to prevent, tried to delay it.

Clerk's fears that the Sikh Contingent would not be quite satisfactory, proved to be true. When Sangat Singh of Jind died and the state, on account of want of heirs, was declared an escheat and

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Later on, Metcalfe invited Clerk's opinion about the obligation of the Malerkotla Pathans to furnish the Contingent. He, on his own part, could discover no such obligation, although the British Government had the right to demand military service from the Protected Chiefs, under the Proclamation of May 6, 1809. But such right did not in his opinion extend beyond the special occasion which might render the exercise of it necessary. In his support, Metcalfe quoted the example of 1824 when, on the inroad of Akalis, the Pathans of Malerkotla were called upon to furnish a contingent. (B. N. 38, L. N. 3, January 11, 1838).

Clerk in his reply, dated January 16, 1838, stated that there were no orders more specifically requiring the presence of the Malerkotla Contingent than those of 1824. (B. N. 83, L. N. 56).

The order of 1824 was the one which requisitioned Contingents from other Chiefs as well.

1. Clerk to Fraser, July 19, 1833, B. N. 79, L. N. 56.

Clerk compared the peace and tranquillity prevailing in the Ambala district in his time with that to be found about twelve years earlier. Even the Political Agent had to live in the fort as it was unsafe to reside without. Although the credit went to the police at Ambala, the expense of which was borne by petty Chieftains, yet the service of the Rissala had materially contributed to that improvement. The police at Ambala consisted of Barkandazes furnished by Sikh Pattidars and Jagirdars. (B. N. 79, L. N. 126).

orders were pronounced that it should be taken over by the Political Agent, he had to ask the Commanding Officer at Hansi to send a detachment of troops to Jind to enable him to carry out the orders of Government.<sup>1</sup> Therefore, he again suggested that a Rissala of Irregular Horse might be stationed at Ambala "with advantage to the public service", remarking that no reliance could be placed upon the service of the Sikh Contingent. He added: "Had my escort now consisted of such, the purpose in view.... would have been promptly effected, without the necessity of applying elsewhere for assistance".<sup>2</sup> The reply of Metcalfe<sup>3</sup> was that his application for a detachment of Irregular Horse to be stationed at Ambala would be immediately submitted for the consideration and orders of the Honourable the Governor of Agra.

It seems that Government awoke to the necessity of doing something in the matter. Metcalfe addressed two letters<sup>4</sup> to Clerk, the first on October 14, 1835, and the second a fortnight later. In the first, Clerk was asked to state the circumstances and authority under which the detachment of the Skinners' Horse was withdrawn; in the second letter, Metcalfe desired to know whether the arrangement directed by Government, viz. the substitution of a Sikh Horse had been found to be defective and if so, clerk was to submit a full report of the circumstances and causes of its inefficiency.

Clerk replied:<sup>5</sup> "The horsemen of the Sikh Contingent, stationed at Ambala, are not at present constituted, efficient for the services which they are designed to perform because first they are ill-paid, their rates differ but the highest paid receive six annas per diem and find

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1. Clerk to Metcalfe, September 16, 1835, B. N. 81, L. N. 104.

Clerk to Skinner,       ,,       ,,       ,,       ,,       L. N. 154.

Clerk to Skinner,       ,,       17,       ,,       ,,       L. N. 155.

2. Clerk to Metcalfe,       ,,       16,       ,,       ,,       L. N. 104.

3. Metcalfe to Clerk,       ,,       22,       ,,       B. N. 35, L. N. 56.

4.       ,,       ,,       October 14, 1835, B. N. 35, L. N. 63.

      ,,       ,,       "       28,       ,,       ,,       L. N. 66.

5. Clerk to Metcalfe, November 2, 1835, B. N. 81, L. N. 126.

Horse, Arms.....and maintain themselves; secondly they are often kept a year or more in arrears and thirdly they are induced to run into debt at Ambala, occasioning innumerable suits against them.....lastly because their realizing at all the pittance assigned to them, depending on their conducting themselves in a manner satisfactory to their employers, to repel whose aggressions or to suppress whose hostilities towards neighbours, forms their proper duty — they dare not act otherwise, than as partisans when present on such occasions”.

In spite of these limitations, they were good soldiers; as Clerk wrote: “But though half-starved, they are for the most part good men and such as would zealously serve, as they are here required by the state, could the defective system of their organization be rectified”.

The matter was now to be pursued further. Metcalfe, with a letter of December 16, 1835, <sup>1</sup> forwarded the copy of a letter addressed to him by the Secretary at Agra “relative to the withdrawal of the 1st Local Horse from the Ambala Agency and the substitution of quotas of Horsemen from the Protected States”. Metcalfe also asked Clerk to report the measures which he would recommend to be adopted to render the Sikh Horse in question efficient and useful. Two months’ later, another letter of the Secretary at Agra was sent by Metcalfe <sup>2</sup> in which Clerk was asked to expedite his report.

Clerk replied in a communication of February 1836. <sup>3</sup> In order to improve its efficiency, the first thing was that the Rissaldars should be nominated by the Supreme Government or its officers. But Government did not sanction this proposition. So Clerk remarked: “It is clear, however, that unless the Horse are in some manner dependent on

1. Metcalfe to Clerk, December 16, 1835, B. N. 35, L. N. 85.  
Bushby to Metcalfe, „ 5, „ „ p. 721.

2. Metcalfe to Clerk, February 12, 1835, B. N. 36, L. N. 12.  
Bushby to Metcalfe, „ 3, „ „ p. 56.

3. Clerk to Metcalfe, „ 20, „ B. N. 82, L. N. 19.

and rendered subordinate to the Local Agent at Ambala, they cannot be relied on as effective for the due execution of the measures which he entrusts to them.<sup>1</sup> On the contrary, their ordinary service being to retard and suppress hostilities and prevent bloodshed.....they must frequently in fulfilling the duty assigned to them by the Local Agent incur the dissatisfaction of their employers who may be involved in a disturbance which it is required to quell. The Horse will in most cases prefer to disappoint the Local Agent, because there are no consequences to be apprehended of their failing to execute his orders, while the results most vexatious to them and in the expostulations which ensue — to the Local Agent also, attend the disregard of their Chief's immediate interest.”

Clerk then had to suggest another mode of increasing its efficiency. A rate of pay should be fixed for them — say Rs. 18 per mensem for a Horseman and Rs. 40 to Rs. 50 for a Rissaldar; the Chiefs should be asked to give land or security of a Sahukar for the amount of pay. Clerk wanted the Princes to give a lump sum to be redistributed among their quotas by the Political Agent, so that irregularity of payment, by which their salaries fell into arrears, should be avoided.<sup>2</sup>

This suggestion seemed to have been liked by Government. Metcalfe, asked Clerk to ascertain and report the practicability of carrying into effect his suggestion with the concurrence of the Chiefs concerned.<sup>3</sup> Clerk replied:<sup>4</sup> “The practicability of the measure proposed for the payment of the Sikh Horse will depend on the deter-

1. According to Clerk, the Sikh contingent should be efficient enough to ensure the due execution of the orders of the Political Agent and capable of strengthening his hands to a degree that would “deter rival parties from having recourse to arms or on occasions when hostilities have broken out will enable him promptly and efficiently to suppress them”. (B. N. 82, L. N. 127).
2. Clerk to Metcalfe, February 20, 1836, B. N. 82, L. N. 19.
3. Metcalfe to Clerk, March 25, 1836, B. N. 36, L. N. 22.
4. Clerk to Metcalfe, May 5, 1836, B. N. 82, L. N. .



mination of the Government to render efficient these troops which Government..... decided that the Protected Princes ought to maintain" Unfortunately, as Clerk pointed out, the Chiefs were averse to any improvement for several reasons, one being that they did not regard in so serious a light the infringement of the public peace, by the collision of their troops, when disputes could be easily adjusted otherwise.<sup>1</sup> Clerk added that Kapur Singh, the Agent of Patiala, insisted on the right of his master and of other Princes to send out troops on their borders and there to fight out differences so long as neither party complained to Government.<sup>2</sup> Surely, the political morality must have been at the lowest ebb when the agent of the premier Cis-Sutlej State could so openly declare that might was right. Commenting on the proposition of Kapur Singh, Clerk declared that the only circumstances under which Government could tolerate such a rule would be where it was certain the collision would be strictly confined to the original disputants. That was not possible in the case of these States where territories were parcelled out among a multitude of independent and turbulent proprietors. That would have resulted in a chronic state of anarchy, which no civilized Government could tolerate.

1. Clerk thus explained their attitude :—

".....it enables them to violate a boundary, to seize upon a disputed tract or to strike a blow.....and although they may really have gained nothing by such proceedings, still they have been enabled to make exhibition of their superior military resources over their weaker neighbours".

(B. N. 82, L. N. 127).

2. The ideas of peace and order existing among the Cis-Sutlej princes remind one of the feudal times in Europe when even the smallest disputes were decided by a recourse to arms and when no civic sense was to be found among the people.

In this connection, Clerk wrote : ".....in my first conversation with the Patiala Minister on my taking charge of the office in 1831, when aggressions on each other by the armed retainers of these Protected Chiefs were of a frequent occurrence, he endeavoured to stipulate for the acknowledgment by me of the right of his master or of any other Protected Chiefs, to prosecute open warfare with another, provided the collision were not brought to the notice of the British authorities by either of the parties involved". (B. N. 82, L. N. 127).

In the same letter, Clerk remarked that the Patiala authorities were in favour of the use of the British troops for checking "mutual encroachments or violence" of the Chiefs as that used to be the practice in the days of Murray. Clerk thought the request as "reasonable"

[ 100 ]

In a letter of July 1836, <sup>1</sup> Clerk was once again asked "whether the parties concerned are willing to give the security of the Sahukars for the regular payment of their quota or would prefer to allot a certain portion of land for the purpose". The former arrangement, according to Metcalfe, was more desirable. Further, Clerk was instructed to give a list of the Sardars and the amounts of quota furnished by them; he was also asked to find out their sentiments and whether any communication had been made to them relative to the proposed increased pay of the Siwars. Metcalfe was of the opinion that the present system required amendment and if Government felt disposed to support Clerk, he should see that there was no difficulty in rendering it practicable; he, therefore, advised Clerk to have some communication with the parties in order to prevent any future misunderstanding.

Clerk stated<sup>2</sup> the scale which had been approved by Government:-

Patiala	100
Nabha	50
Kaithal	50
Jind	50 (since lapsed)
Malerkotla	25
Ladwa	25
Shamsinghia <sup>3</sup>	30

He again emphasised that the Sikh Contingent, which had replaced the Rissala, was by no means as efficient as the 1st Local Horse <sup>4</sup> Clerk had tried his best to raise the standard of the efficiency

1. Metcalfe to Clerk, July 16, 1836, B. N. 36, L. N. 58.
2. Clerk to Metcalfe, July 20, 1836, B. N. 82, L. N. 127.
3. At first the Shamsinghia Sikhs were not called upon to send their quota but in a despatch of November 18, 1834, Clerk suggested that they should be called upon to furnish 30 Horsemen to serve at the Ambala Agency which they could easily do (B. N. 80, L. N. 207). Fraser, in a reply of November 24, 1834, agreed with Clerk that the Shamsinghia Sikhs might be called upon to furnish a quota of Horse-proportionate to their means. (B. N. 34, L. N. 72).
4. Clerk remarked that every individual Sawar or the 1st Local Horse was worth five Horsemen in the employment of the Chiefs.

of the Contingent ; he had addressed several Chiefs and had had a number of talks with their confidential agents so that he might be provided with the best available troops which should be regularly paid, but, as Clerk remarked, "their replies, written or verbal, though couched in terms of perfect accord, in the matter of maintaining their small contingents, are always evasive at the point really at issue;" there was only one exception and that was of Malerkotla. <sup>1</sup>

Although not much satisfied with the efficiency of the contingent, yet he believed that, if in some measure organised, it could be fully competent to discharge effectively every duty devolving on it. He then went on to say that he had already adverted to the inclination felt by the more powerful Chiefs to leave their troops in a state of inefficiency.

In regard to the mode of payment, Clerk replied that the Phulkian Chiefs were not willing to adopt either of the two alternatives .....that of either assigning a piece of land or giving the security of a banker. He saw the Nabha Agent and asked him his opinion. The Agent felt that his master would prefer and execute the proposed security of a banker. <sup>2</sup>

Metcalf suggested to Clerk to obtain from each of the Chiefs, a written intimation of their sentiments with regard to the proposed increase of pay to their respective quotas and of the arrangements which they were willing to adopt to ensure regular payments. <sup>3</sup> The Chiefs were at liberty to assign a portion of land or to give security of bankers ; Clerk was instructed to address the Chiefs on this point.

1. Clerk to Metcalfe, July 20, 1836, B. N. 82, L. N. 127.

2. Clerk also added that he had reminded not only the Nabha Agent but also that of Kaithal about the inefficiency and insufficient pay of the Contingent. Their reply was that their standard of efficiency and mode and rate of payment were nearly alike and that they followed Patiala.

3. Metcalfe to Clerk, July 25, 1836, B. N. 36, L. N. 62.

Again writing in October 1836,<sup>1</sup> Metcalfe asked Clerk to report on his letter of July 13, regarding the mode of payment of the Chiefs' quotas kept at Ambala. Acknowledging the communication in November 1836<sup>2</sup> Clerk replied that he had received replies from Patiala and Kaithal but not from Nabha. He sent for Sahib Singh, the confidential agent of the Nabha Raja, and asked him to submit the reply of his master within seven days. It was actually on the 19th that he received the reply.<sup>3</sup>

It was in an important despatch, dated November 20, 1836,<sup>4</sup> that Clerk again took up the question of the payment of the Sikh Contingents; he also forwarded the replies he had received from the Chiefs of Patiala, Nabha and Kaithal. The first two Chiefs laid stress on the increased duties of their Sawars; for example, their being employed as patrols or to guard prisoners. In reply, Clerk remarked: "A few of Colonel Skinners' Horse were occasionally so employed and on their removal, the Chiefs' Sawars were made use of for the same purpose and being found wholly inefficient, other arrangements were adopted, that is, Pattidar Horse are used for patrolling". Government also had a small force of Barkandazes for the purpose. According to the Political Agent, the police duties which the contingent had to perform would have been very light, had it not been for the vicinity of the Sikh States. Clerk observed: "The contiguity of so many independent jurisdictions all-with exception to Patiala-exceedingly lax in their police, renders the duty of that nature at Ambala very arduous. The same cause imposes on us the same vigilance and activity in protecting our other isolated estates in this quarter".

Referring to the increased duties of the Sikh contingent, Clerk said that it was from other causes.<sup>5</sup> First, because Murray had at his

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1. Metcalfe to Clerk October 5, 1836, B. N. 26, L. N. 98.

2. Clerk to Metcalfe, Nov 7, ,, B. N. 82, L. N. 167.

3. ,, ,, 19, ,, ,, L. N. 170.

4. Clerk to Metcalfe, November 20, 1836, B. N. 82, L. N. 175.

5. Clerk frankly remarked: "The duties which then devolved on them and which now of necessity devolve on them bear no comparison".



disposal Sawars of the 1st Local Horse who were employed on those occasional services in these states which were now required of the Sikh Contingent.<sup>1</sup> Secondly, the sub-division of lands among the Sikh proprietors, petty independent Chiefs, was on the increase ;<sup>2</sup> thirdly, the Agency Officer at Ambala had been invested with the direct control of the most turbulent tribes of the Sikhs like the Maharajkians and the Barwalias, to restrain which large bodies of Horse had been constantly employed.<sup>3</sup> Arising out of the second cause, it was also the duty of the Local Agent to prevent collision between the zamindars of the States and when they had taken place, to avert the excesses which would otherwise ensue.<sup>4</sup>

The Raja of Patiala also had compared the strength of 1st Local Horse in Murray's time with that of the Sikh Contingent in the days of Clerk. According to the Raja, the number of the latter was about three or four hundred Clerk observed that not only the comparison was wrong but the number stated also incorrect. In the times of Murray, only the Chiefs of Patiala, Nabha and Kaithal furni-

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1. As pointed out earlier, Murray had not only the 1st Local Horse, but also the Sikh contingent at Ambala.
  2. Some of the petty Chiefs were in the habit of committing many lawless acts ; they would erect forts and disobey the orders of the Political Agent and would repair to the Governor-General's Agent at Delhi and set at nought the authority of the Political Officer at Ambala. Clerk had to protest many a time against the encouragement given to such offenders by his superior officer. For example in July 1834, in the case of one Kahan Singh of Lida Patti, he asked Fraser to remand the petitioner to his village until he should give up the idea of evading his order ; according to him, disorder among the petty Sikh proprietors could only be suppressed if the Agent at Delhi took due notice of any disobedience of orders issuing from the Ambala Office ; the stay of such men at Delhi not only enabled them to evade the necessity of obedience but it also enabled them "to exhibit to other turbulent characters the impunity with which they may disregard the injunctions of the Local Agent". (B. N. 80, L. N. 38).
  3. Another turbulent Sikh tribe was that of the Jagdauli Sikhs, belonging to the Shamsinghia Misal. (B. N. 80, L. N. 207, November 18, 1834).
  4. Clerk to Metcalfe, November 20, 1836, B. N. 82, L. N. 175.

shed their quotas while Ladwa, Malerkotla, etc were excused. Again, the Patiala ruler had wrongly asserted that, after the suppression of Akali disturbance, he, of his own accord, had placed a Rissala under Murray's orders. In reality, a requisition had to be made by Murray in conformity to orders received from Government of May 7, 1824 <sup>1</sup>

Allusion had also been made by the Chiefs to the employment of the Sawars in carrying 'Dak' and accompanying the Political Agent to the interior of the States. This, in view of Clerk, caused great inconvenience to the Political Agent who was dependent on them for the conveyance of 'Dak' and for a personal mounted escort. Therefore, Clerk insisted that even if they were most efficient, in matter of personal escort, the Political Agent ought to be independent of them. For that purpose, a Daffedar and ten Sawars from any corps of Local Horse might suffice but such a party should be at all times attached to the agency. <sup>2</sup>

It had also been asserted by the Chiefs that the Sawars of the Sikh Contingent had been employed at Cawnpur and Lucknow. In this connection, Clerk observed that the rule was not to employ them out of these states. The one exception had been when six Sawars escorted Mrs. Grant to Lucknow. It had also been stated in the replies of the Chiefs that the Risaldars had been "assured and satisfied" and that if

1. The orders were conveyed by Swinton, the Chief Secretary at Calcutta to Elliott, the Resident at Delhi.

The following is the relevant paragraph :—

"The Governor-General in Council approves the measure which you have directed of keeping together in a central position a body of Horse from the different Sikh Chiefs to be ready to repel any future incursion of similar marauding parties and concurs with you in opinion likewise that it will be desirable to place one hundred of Skinners' Horse under the orders of the Deputy Superintendent to be employed according to circumstances.

Elliott to Murray, May 26, 1824, B. N. 24, L. N. 105.

Swinton to Elliott, May 7, 1824, B. N. 24, p. 157-58.

2. Earlier, Clerk had spoken of a small infantry force of a Jamadar and 20 men as sufficient to guard the Agent. (B. N. 79, L. N. 126).

there was any doubt in the matter, the Rissaldars should be referred to. Clerk commented thus: "But the Rissaldars themselves are without question very well off and it is precisely this reliance on them of their employers at a distance without a possibility of their inveterate habits of irregular profits under the present system checked here, which makes them so well off".<sup>1</sup>

The Bhai of Kaithal had stated in his reply that 8 annas per diem were paid to each Sawar by his state and that was sufficient. Clerk was willing to accept the rate, provided the payment was regularly made and so he observed: "If, however, these terms were accepted and fixed for the other Chiefs, as well as the Bhai and if all were to be given distinctly to understand that Government had authorised the attachment forthwith of an adequate quantity of land on failure of due payment of the prescribed rate, the object might be thus attained.....The Political Agent here has no time to attend very closely to such matters, but it will not be difficult to ascertain whether the amendment produce the effect desired".<sup>2</sup> Clerk also suggested to Metcalfe that if he recommended the measure to Government for adoption, it would be as well to inform the Chiefs that, after a year, if that failed, the other more direct measures for reforming their Horse, must be had recourse to.

Clerk next took up the question of the inadequacy of the Patiala quota.<sup>3</sup> The Bhai of Kaithal had complained that his quota was too large as compared with that of Patiala; the revenue of Kaithal exceeded those of Nabha, which furnished a quota of the same strength as Kaithal;

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1. Clerk quoted the case of the Rissaldar of Kaithal who received allowance for 50 Horsemen but maintained only 30.
  2. Clerk to Metcalfe, November 20, 1836, B. N. 82, L. N. 175.
  3. A few months before also, Clerk had drawn Metcalfe's attention to this fact, adding that Frasar had desired him to suggest a larger quota from Patiala (B. N. 82, L. N. 127). Metcalfe asked Clerk to do the same (B. N. 36, L. N. 62).

therefore, Nabha had the same cause of complaint and the Nabha Vakil had represented the matter to Clerk. The cause of complaint was thus expressed by Clerk: "It may at first seem vexatious in them to cavil about proportions, when all they are now called upon to furnish is so insignificant considering their resource but I am satisfied that it is a point to which they attach great importance, and that not without cause; for whenever they may be called into field with all their disposable forces, as allies of the British Government, the proportions in which they furnish this small contingent, they may naturally fear, would be assumed in calling out their troops". So Clerk suggested that it would be proper to give to Kaithal and Nabha some assurance against this inequality; this would be best effected by correcting the scale.<sup>1</sup>

1. The old scale was, as follows :—

Patiala	100	Horses,
Kaithal	50	"
Nabha	30	"
Ladwa	25	"
Malerkotla	25	"
Shamsinghia	30	"
Total :	280	"

Clerk recommended that it might, in fair proportion, be reduced thus :—

Patiala	100	Horses,
Kaithal	30	"
Nabha	20	"
Ladwa	15	"
Malerkotla	15	"
Shamsinghia	30	"
Total :	210	"

If Government wanted an increase in the number of quotas, Clerk suggested, as follows :—

(Continued on next page).



This letter of Clerk was acknowledged by Metcalfe, who made the following reply<sup>1</sup> :—

“It is proposed to procure for the Sawars a regular pay of 8 annas per diem and to make some alteration in the present complements of the respective quotas without exercising for the present any further interference between the Chiefs and their contingents.

The arrangement appears unobjectionable provided the assent of the Chiefs can be obtained and you are accordingly requested to avail yourself of every opportunity to effect this object by your influence. But the reform is not to be attempted by force.

The contingents of the minor states may be reduced as suggested by you and you will be able probably to avail yourself of that opportunity to render them more effective”.

In other words, Government was reluctant to enforce any innovation without the consent of the Chiefs. After all, the Contingent was voluntary and whatever reforms in it were desired by Clerk could

*(Continued from page 412).*

Patiala	200	Horses
Kaithal	60	„
Nabha	40	„
Ladwa	25	„
Malerkotla	25	„
Shamsinghia	30	„
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Total :	380	„
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Even the reduced scale was thought to be sufficient by Clerk, if the Sawars could be rendered orderly and efficient. However, no change was made in the number, the ‘status quo’ being kept.

1. Metcalfe to Clerk, December 24, 1836, B.N. 36, L.N. 102.

may be introduced if the Princes agreed. Further, Government was prepared to accept the reduced quota if the troops were rendered efficient and payment to them regularised by the Chiefs concerned.

The entire correspondence was referred to the Court of Directors which suggested<sup>1</sup> that the question of proportion of quota should be "disposed of" in connection with the boundary problem of Hariana frontier. It remarked: "The parties concerned.....are for the most part of the same who furnish quotas to the contingent and their release from this obligation might form part of compromise which we are anxious to see effected of the territorial dispute."

This despatch was referred to Clerk who did not agree with the suggestion as he wrote: ".....the maintenance at Ambala by the Sikh Chiefs of the present small and cheap quotas of Horse is not such an object in their consideration as to afford a prospect of its being advantageously relinquished by the British Government in connection with any scheme of compromise of the territorial disputes on the Hariana frontier."<sup>2</sup>

1. Metcalfe to Clerk, December 13, 1838, B. N. 38, L. N. 88.

Torrens to Metcalfe, ,, 5, ,, ,, p. 410, and extract of Paras 34 and 35 of a letter from Court of Directors, No. 45 of 1838, dated August 22.

The Court also pointed out the defect of the scheme of accepting the reduced quota from other Chiefs in these words: "The minor Chiefs will probably give a ready consent in return for the reduction of their quotas.....From the Raja of Patiala, whose quota is not intended to be reduced, a voluntary assent is not.....to be expected".

2. Clerk to Metcalfe, February 2, 1839, B. N. 83, L. N. 106.

That brings to an end Clerk's correspondence relating to the Sikh Contingent. The total quota was not reduced, as in August 1841, Clerk informed Maddock in a letter that the Chiefs maintained a contingent of 300 Horse at Ambala over which they had "no manner of authority". So this long correspondence increased the control of the Political Agent over the contingent and resulted in fixing of

*(Continued on next page)*

Finally, I may add that the mal-administration of the Cis-Sutlej Chiefs was an ever recurring source of anxiety to Clerk. From the very institution of the agency, the Political Agents had been kept busy in tackling this very intricate problem. Wherever the British control was extended, it brought more peaceful and hence prosperous conditions to the people. The British officials were usually keen to promote the material welfare of the governed and Clerk was no exception. His correspondence is an abundant proof of the assiduous efforts which he made to rouse countless petty Chieftains.....including Missaldars and Pattidars.....to a better appreciation of their obligations to their subjects.

The lawless spirit displayed by the Akalis towards the south of the Sutlej was another somewhat serious matter engaging the attention of Clerk. He adopted severest possible measures to check their unprovoked depredations. For this purpose, a Rissala of Skinners' Horse, in addition to a small Sikh force, had been kept for some years before he took charge of the agency. During his active tenure, however, Government began to feel that the Chiefs might bear the entire expense of preserving peace, throughout the Cis-Sutlej area and so withdrew the Rissala leaving the small Sikh force to manage things as best as it could. Clerk made strenuous efforts to raise its efficiency and it was solely due to his exertions that the Chiefs started paying regular salaries to their respective quotas. Clerk even proposed that land or some other guarantee should be taken from the Chiefs for defraying the expense of

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*(Continued from page 414)*

a regular pay of 8 annas per diem for a Horseman. Most probably, the change in number was not introduced for fear of offending Patiala.

In a letter of Clerk, mentioned above, he discussed a plan "for rendering the military resources of the Protected Sikh States available to the British Government" (Appendix I, Chapter VI, page 8). The need was felt as the British Government had been entangled in the Afghan mire; moreover, on account of the Khalsa Army becoming unmanageable, immediately after the accession of Sher Singh, Clerk felt tempted to intervene in the Khalsa affairs and for that purpose wanted to use the resources of the Cis-Sutlej Chiefs also.

such quotas but the proposal was declined by Government as it seemed a somewhat serious departure from its declared policy of affording free protection to the Chiefs, which had been promised to them by the Proclamation of 1809.



## CONCLUSION.



It has not been possible to include in the foregoing chapters every aspect of the work of Sir George Russel Clerk which he accomplished during his sojourn in the Cis-Sutlej country. Nor have I been able to utilise several letters pertaining to a variety of topics and incidents as they could not be fitted into any manner of classification and adopted into the frame-work of the chapters. But they are of considerable interest in revealing the many-sidedness of the man and deserve a mention.

There are, for example, four letters relating to the famous Rupar interview between Ranjit Singh and William Bentinck, which stand by themselves. <sup>1</sup>

Several other letters show that he was very anxious to preserve peace and tranquillity in the territory under his charge. The first thing that he did, after his assumption of office, was to build a wall round Ambala with a view to checking thefts in the city. He also maintained a regular and efficient police force. Its expense was borne by the princes, and it helped in protecting effectively the life and property in and about the city. He made sustained efforts to stop robbery, cattle-lifting, smuggling, Thuggee, traffic in children, female infanticide and many other social evils so widely prevalent in the area of the jurisdiction. He

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1. Benson to Clerk, September 17, 1831, B. N. 31, L. N. 53.

Prinsep to Clerk, October 6, " " L. N. 66.

" " " 6, " " L. N. 67.

" " " 10, " " L. N. 69.

tried to introduce vaccination in the territories of Patiala and other Chiefs. He promoted agriculture, reclaimed barren lands, improved irrigation, gave seeds to cultivators and arranged for equitable revenue settlements. In short, his work as an administrator was commendable. 1

1. In this connection, see :—

Martin to Clerk,	September 28, 1831,	B. N. 31, L. N. 57.
Clerk to Martin,	February 2, 1832,	B. N. 78, L. N. 10.
Martin to Clerk	" 24, "	B. N. 32, L. N. 11.
Clerk to Fraser,	April 22, "	B. N. 78, L. N. 20.
Fraser to Clerk,	May 16, "	B. N. 32, L. N. 26.
Clerk to Fraser,	" 28, "	B. N. 78, L. N. 28.
Fraser to Clerk,	June 30, "	B. N. 32, L. N. 50.
Clerk to Fraser,	July 25, "	B. N. 78, L. N. 50.
" "	May 15, 1833,	B. N. 79, L. N. 37.
Clerk to Simon,	February 28, "	B. N. 79, L. N. 178.
Clerk to Fraser,	March 31, "	B. N. 79, L. N. 180.
Clerk to Wade,	May 17, "	B. N. 79, L. N. 181.
Clerk to Fraser,	December 3, "	B. N. 79, L. N. 189.
Clerk to R. Neave,	" 10, "	B. N. 79, L. N. 190.
" "	" 11, "	B. N. 79, L. N. 191.
" "	" 23, "	B. N. 79, L. N. 194.
Fraser to Clerk,	January 28, 1834,	B. N. 34, L. N. 15.
Clerk to Fraser,	February 24, "	B. N. 80, L. N. 12.
Fraser to Clerk,	March 29, "	B. N. 34, L. N. 26.
Clerk to Fraser,	April 8, "	B. N. 80, L. N. 35.
" "	" 22, "	B. N. 80, L. N. 41.
" "	May 18, 1835,	B. N. 81, L. N. 18.
Clerk to Metcalfe,	August 25, "	B. N. 81, L. N. 95.
" "	November 5, "	B. N. 81, L. N. 127.
" "	" 10, "	B. N. 81, L. N. 130.
Metcalfe to Clerk	" 16, "	B. N. 35, L. N. 73.
" "	September 28, 1836,	B. N. 36, L. N. 86.
Clerk to Metcalfe,	November 21, 1836,	B. N. 82, L. N. 176.
Metcalfe to Clerk,	February 18, 1838,	B. N. 38, L. N. 37.
Thomason to Clerk,	August 21, "	B. N. 38, L. N. 50.
Metcalfe to Clerk,	July 23, 1839,	B. N. 39, L. N. 38.
Clerk to Greathed,	August 9, "	B. N. 83, L. N. 122.
Clerk to Maddock,	" 20, "	B. N. 83, L. N. 124.
Maddock to Clerk,	September 11, "	B. N. 39, L. N. 47.
Clerk to Metcalfe,	February 26, 1840,	B. N. 83, L. N. 144.
Clerk to Blunt,	March 2, "	B. N. 83, L. N. 146.
Cerk to Steel,	June 13, "	B. N. 83, L. N. 159.

A series of letters relate to the personal relations between the Cis-Sutlej Chiefs, especially the rulers of big states, and himself. It appears that some did not show proper respect to his office, and would not address their communications to Government through him. They would keep their agents in Calcutta or at Delhi, follow their advice, and disregard his instructions. All this irritated him greatly and he would often complain of it to his superior at Delhi pointing out not only that it was derogatory to him personally but that it also impeded the smooth working of his office. In January 1832, he paid a visit to the Raja of Nabha and there met the ruler of Patiala as well. He had a talk with both and their officials about their relations with his office at Ambala. He was anxious that they should submit all their communications through him instead of addressing the Supreme Government direct. They acknowledged that that would be the more regular course and expressed their willingness to concede to his wish. But a discordant note was struck by Kapur Singh, an agent of Patiala, who wanted Clerk to stay the investigation of the disputed boundaries of the Bhatti-Haryana frontiers, and on Clerk's declining to do so, the agent felt dissatisfied and in consequence, the Patiala ruler determined to contact the Supreme Government by sending a mission to Calcutta.<sup>1</sup> That Clerk was always anxious to maintain the dignity of his office, is also shown from another episode. When Maharaja Karm Singh of Patiala was about to pay a visit to Hardwar in 1832, he wanted Clerk to accompany him. Clerk declined the Raja's request, observing that none of the Sikh Chiefs were on the footing of Princes who had executed separate engagements with the British Government and that he had to attend to the affairs of several other Rajas equal in rank to the ruler of Patiala.<sup>2</sup> Government upheld

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1. Clerk to Metcalfe, January 23, 1836, B.N. 82 L. N. 11.

Clerk wrote that there was so much jealousy between the ruler of Patiala and the Bhai of Kaithal, that the latter had sent an agent to acquaint Clerk that he would be sending his own agents also with those of Patiala. As Clerk explained, the Bhai was afraid that the Raja of Patiala might open some negotiations with Government without his becoming aware of it. In this connection, Clerk remarked that there was a rumour of a supposed project of Patiala to tender a tribute to the British Government "as a means of assuming the regulation of cases of succession to heirless chiefships and generally to a supremacy over the Southern Sikhs".

2. Clerk to Fraser, April 28, 1832, B. N. 73, L. N. 21.

Clerk's objection though it allowed the Civil Surgeon at Ambala to accompany the Chief.<sup>1</sup>

Clerk respected the religious prejudices of the Sikhs. Realising as he did, with what abhorrence they looked upon practice of kine slaughter, he observed in a letter of August 1831,<sup>2</sup> to the Deputy Assistant, commissary General, Karnal that the consumption of bullocks for the victualling of troops, about to march to Rupar through the Protected States, ought to be abstained from, adding that the British force would be on duty with the Governor-General only for a short time and that, therefore, this prohibition would not be in the nature of hardship to the European troops. In another letter of April 1832<sup>3</sup>, Clerk acknowledged the petition from certain butchers explaining the difficulties of bringing cattle for slaughter from the Sikh States. Thompson had observed that such objections had not been made before. But Clerk found, on referring to the records of the Agency, that Ochterlony and Murray had issued orders "interdicting generally the sale of horned cattle for such purposes in any of these states."<sup>4</sup> In brief, his attitude was one of sympathy.

1. Fraser to Clerk, May 21, 1832, B. N. 32, L. N. 27.

2. Clerk to Thompson, August 25, 1831, B. N. 77, L. N. 55.

This feeling was shared by Maharaja Ranjit Singh and his successors. When the British army was to return through the Punjab, after the Kabul campaign, one of the conditions laid down was that the slaughter of horned cattle would not be allowed.

3. Clerk to Thompson, April 22, 1832, B. N. 78, L. N. 108.

4. Clerk added: "I am of opinion that the resort of butchers to these states for the purchase of the sacred cattle for slaughter must ever occasion endless references relating to the complaints of the purchasers who will be frequently mal-treated and to the outraged feelings of those in whose Ilagas such purchases have been made".



As is well known, Lord William Bentinck had abolished in 1829 the inhuman practice of 'Sati' or immolation of widows on the funeral pyres of their husbands. Like every humane person, Clerk was opposed to this practice and tried his best to check it. Fortunately it was not very popular among the Sikhs. According to him, the cruel practice was not held in very much esteem by them and the succession of the widows to the estates of their deceased husbands struck at the root of the evil.

On two occasions, Clerk effectively intervened in preventing 'Sati.' One was on the death of Kunwar Ranjit Singh, eldest son of Raja Jaswant Singh of Nabha.<sup>1</sup> One of his widows wanted to become a 'Sati.' Clerk despatched an express to Patiala<sup>2</sup> ruler to prevent, if possible, the useless sacrifice of her life. The ruler acted with commendable zeal; he sent his own mother to dissuade the widow whose life was thus saved.<sup>3</sup> The second occasion was when Raja Kharak Chand of

1. Clerk to Fraser, June 20, 1832, B. N. 78, L. N. 35.

The relations between Kunwar Ranjit Singh and his father had long been notorious. As early as 1818, the former had rebelled (B. N. 64, L. N. 77); though later on a reconciliation took place through the efforts of Birch, who was then the Political Agent (B.N. 64, L.L.N. 35 & 88). But they again started quarrelling so much so that Raja Jaswant Singh wanted to disinherit him and even went to the length of accusing his son of attempting to poison him. (B.N. 72, L.N. 227). The Prince denied the charge and the Governor-General, to whom it was referred, did not consider the charge established (B. N. 25, L. N. 146, and B. N. 27, L. N. 129). So when the Kunwar died, his widows naturally suspected that his father had a hand in his death. At first, Clerk believed in the truth of the charge but later on it was found that his suspicions were groundless.

2. Although the ruler was personally opposed to this practice, yet some cases did occur in his state. For example, Fraser wrote to Clerk in July 1832 expressing the concern of the Governor-General that the cruel rite was still tolerated in Patiala; Clerk was to request the ruler to put it down effectually and to award suitable penalties to the parties (B. N. 32, L. N. 60). In reply, Clerk observed that the Patiala Raja deprecated the practice and that the officers concerned had been suitably punished (B. N. 78, L. N. 64). Government expressed its satisfaction (B. N. 32, L. N. 105).

3. Clerk to Fraser, October 2, 1832, B. N. 78, L. N. 64.

Bilaspur died in March 1839. Two of his three widows wanted to immolate themselves but Clerk promised them a liberal maintenance and was thereby able to persuade them in giving up their resolve<sup>1</sup>.

In the end I might say that the usefulness of Clerk's work cannot be questioned by even the most sceptical. He helped in establishing many wise rules and conventions for his Government to follow in cases of disputes and escheats and played successfully the role of a great administrator. No other agent in the Cis-Sutlej regions - neither Ochterlony nor Murray - can be compared in respect of labour that he brought to bear upon his task and achievement. It is no wonder that he was looked upon by Lord Ellenborough as the greatest living authority on the Sikhs. This enviable reputation he rightly won for himself in terms of the intrinsic value of his hard, solid work. However, we look at him, whether as a statesman, as an administrator or as a reformer, he is equally great. Herein lies the justification, if this be at all necessary, for my endeavour to interpret him and his correspondence historically.

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END

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1. Clerk to Maddock, April 15, 1839, B. N. 83, L. N. 112.

At the death of the Raja, as many as sixty-four persons were saved from becoming 'Sati' by Clerk. This won him not only the approbation of the Supreme Government but also that of the Court of Directors.

Terrens to Clerk, September 28, 1840, B. N. 127, L. N. 43.

Thomason to Clerk, May 8, 1841, B. N. 128, L. N. 77. Despatch of the Court of Directors, Extract Para 25 of L. N. 27, July 29, 1840, B. N. 128, p. 161.

## APPENDICES

## APPENDIX I

to

## CHAPTER III

Other escheats were, as follows :—

**(1) Lashkar Khan Ki Serai.**

This place lapsed to the Supreme Government by the death of Sardarni Bhagan, the last of the two widows of Sardar Mohan Singh Nishanwala. On January 5, 1829,<sup>1</sup> Murray had reported that he had taken possession of Lashkar Khan and several villages situated about forty miles, North-West of Ambala, including the village of Dudla, near Ambala. The villages were held in co-parceny with Patiala.

The Sardarni had died leaving a childless daughter and, therefore, there was no claimant to the estate. The co-parceny had led to many disputes between the Sardarni and the ruler of Patiala; the former had to appeal many a time to the Local British authorities for protection against the encroachments of Patiala. Murray had also recommended that, as the expense of the management would be disproportionately heavy, the share of the late widow should be given to Patiala on Rs.2100 a year. As narrated in a previous chapter, it led to a long and bitter controversy between Maharaja Karam Singh of Patiala and the British Government in Clerk's time, but the latter refused to part with the lapse.<sup>2</sup>

**(2) Estate of Gaukpur**

On October 8, 1835, the death of Mai Pardhan of Gaukpur was reported by Clerk, in a letter addressed to Metcalfe.<sup>3</sup> She had died "leaving her estate under circumstances which seemed to require that a servant of this office should be placed in charge until the question

Murray to Colebrooke, January 5, 1829, B. N. 75, L. N. 262.

Colebrooke to Murray, January 10, 1829, B. N. 29, L. N. 6.

1. Clerk to Martin, September 26, 1831, B. N. 77, L. N. 76.

2. I have discussed the case in Chapter V.

3. Clerk to Metcalfe, October 8, 1835, B. N. 81, L. N. 113.

regarding it could be submitted to Government". Tracing her history, Clerk mentioned that the husband of Mai Pardhan, Gurbaksh Singh Shahid, died in 1785, and that she obtained possession of the entire estate, comprising 23 villages. A few months later, her step-son, Dya Singh, deprived her of the estate and imprisoned her. The mother of Gulab Singh Shahid interfered in the dispute and obtained for Pardhan the small Taaluq of Gaukpur which Gurbaksh Singh had conferred on the brothers of Mai Pardhan. From that period this small estate was in exclusive possession of the Mai.

Clerk went on to say that Pardhan had considered the Taaluq of Gaukpur, as "alienated from the possession of Dya Singh Shahid, the son and successor of her husband - Gurbaksh Singh". But Dya Singh maintained that the estate should be considered as a lapse to his Chiefship; the most important of the Shahid Sardars—Gulab Singh—was also of the same opinion.

The view of Metcalfe was that the estate of Gaukpur should revert to Dya Singh from whom Mai Pardhan had received it at the interposition of the mother of Gulab Singh Shahid and other Chieftains.<sup>1</sup> He added that it was not very clear whether the brothers of Pardhan, Gurdial Singh and Nihal Singh on whom the Taaluq had been conferred, made any opposition "either on Dya Singh's assumption of the entire estate or the grant by him of the Taaluq in question to the Mai." He was of the opinion that Gaukpur should be restored to Dya Singh while Nihal Singh and Gurdial Singh be asked to establish their claims by producing evidence that it had been granted to them by Gurbaksh Singh. Thus the escheat was restored by Government.

### (3) Sadaura.

On July 18, 1834, Clerk reported the demise of Mai Rajan of Sadaura.<sup>2</sup> Her estate consisted of 24 Horse-share of the lands possessed

1. Metcalfe to Clerk, October 13, 1835, B. N. 35, L. N. 62.

2. Clerk to Fraser, July 18, 1834, B. N. 80, L. N. 97.

Fraser to Clerk, July 31, 1834, B. N. 34, L. N. 48.



by the Jabalian Sikh and comprised six villages and also some share in others. She had left no heirs. Her husband was Bagh Singh who died in 1780; a moiety of the revenues of the village had been granted by him to his sister's son - Dasaundha Singh-and was being enjoyed at the time of the Mai's death by his grand-son, Nand Singh, whose possession Clerk had not disturbed; all other lands had escheated to Government. The Mai had left a grand-daughter, J'oni (daughter of her daughter-Karam Kunwar). She was living with the Mai. Clerk continued to her 30 seers of grain per diem and recommended to Government that it should be sanctioned, otherwise she would be left destitute. The annexation was approved. <sup>1</sup> Later on, the share of Jionl was converted into cash payment <sup>2</sup>

#### (4) Estate of Sardar Megh Singh of Buria.

On July 21, 1835, Clerk reported<sup>3</sup> that he had assumed charge of the estate of Buria, in consequence of the death of Megh Singh, without heirs. The estate was situated on the low-lands of Jumna and had an annual income of Rs. 15,000. The Sardar had repudiated his two wives and lived separate from them. His confidential agent Kesra Singh and his agent at Ambala had told Clerk that Megh Singh wanted that no provision should be given to them. The Sardar himself had also expressed the same wish when he had met Clerk two years

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1. Fraser to Clerk, September 24, 1834, B. N. 34, L. N. 58.  
Trevelyan to Fraser, August 21, 1834, B. N. 34, p. 389.

2. Clerk to Fraser, October 20, 1834, B. N. 80, L. N. 178.  
Fraser to Clerk, November 27, 1834, B. N. 34, L. N. 74.  
Trevelyan to Fraser, November 13, 1834, B. N. 34, p. 458.

There were two pensioners besides Jioni; all the three were recommended an allowance of Rs. 220/-/9, the share of Jioni being Rs. 194/2/6 per annum. (B. N. 80, L. N. 178).

3. Clerk to Metcalfe, July 21, 1835, B. N. 81, L. N. 85.

earlier.<sup>1</sup>

His step-mother, Raj Kunwar, had a provision of two villages yielding Rs. 800 per annum; Clerk recommended that one more village should be given to her. His grand-mother was still alive and had been given a village of the revenue of Rs. 1,000 a year. Clerk felt that the old ladies should not be disturbed in their possessions. The Sardar had left a debt of Rs. 7,000 and it was his dying wish that his creditors should be paid in full. He had left personal property worth Rs. 4,000; the balance was to be paid from the first year's revenue.

Metcalf, the Agent of the Governor-General, reported the orders<sup>2</sup> of the Governor, North-West Provinces, who was "pleased to authorise the payment of the debts of the deceased, so far as they can be liquidated from the money or personal effects left by Megh Singh but not from the future revenues of the land... ..which belong to the Gover-

1. On March 5, 1833, Clerk had reported to Fraser that one of the wives of Megh Singh of Buria had presented a petition to him against the Sardar and gone to Delhi. Clerk felt that it was not desirous to make inquiries as to the cause of the little cordiality subsisting between the Sardar and his wife. The reason was described by Clerk as follows :—

"The Sardar's domestic trouble originated in the attempts of the lady's parents and relatives to introduce as her relatives, certain male attendants of their own party with a view to relieve Megh Singh of managing his own estate",

(B. N. 79, L. N. 10).

Fraser seemed to have listened to her complaints and issued certain instructions for Megh Singh, but the Sardar put forward a protest though he declared that it was not his intention to disregard those instructions. He only put a respectful appeal against the procedure proposed by the complainant, which he designated "as degrading to himself, at variance with the usages of his tribe and an infringement of the stipulations which the British Government pledged itself to observe towards the Sikh Chieftains, South of the Sutlej".

(B. N. 79, L. N. 46, June 11, 1833).

2. Metcalfe to Clerk, August 13, 1835, B. N. 35, L. N. 49.

Secretary, Government of Agra to Metcalfe, B. N. 35, p. 454-55,

nment". About the provision of the step-mother and grand-father of the late Sardar, Metcalfe conveyed the orders of the Governor, who was pleased to authorise the continuance of the villages, yielding Rs. 1,800 annually, during their lives.<sup>1</sup>

In 1836, when<sup>2</sup> Clerk paid a visit to Buria, he was approached by several influential Sardars, on behalf of the widows of Megh Singh. They wanted some provision to be granted to them. So Clerk recommended that the village of Rampur, the annual revenue of which was Rs. 1,150, should be given jointly to them, the survivor to succeed to the whole, on condition of their residing at either Rampur or Buria. Metcalfe, writing on March 2, 1836, said that the Governor wanted him to find out what provision would have been given to the widows, had the late Sardar not preferred a request for their exclusion.<sup>3</sup>

Clerk, replying on March 8, 1836, was of the opinion that a village to each of the two widows of the value of Rampur would have been considered a due provision for them.<sup>4</sup> In spite of this recommendation, the British Government did not grant any maintenance to the widows. Metcalfe, in a communication dated March 30, 1836, quoted the opinion of the Lieutenant-Governor who felt that 'these widows are neither entitled to anything nor do they appear to be in that state of destitution which should render them objects of the charitable consideration of the Government'.<sup>5</sup>

1. Metcalfe to Clerk, September 12, 1835, B. N. 25, L. N. 54.

Secretary, Agra Government, to Metcalfe, September 5, 1835, B. N. 35, p. 495.

2. Clerk to Metcalfe, February 2, 1836, B. N. 82, L. N. 14.

3. Metcalfe to Clerk, March 2, 1836, B. N. 36, L. N. 15.

Secretary, Agra Government, to Metcalfe, February 20, 1836, B. N. 36, p. 72.

4. Clerk to Metcalfe, March 8, 1836, B. N. 82, L. N. 30.

5. Metcalfe to Clerk, March 30, 1836, B. N. 36, L. N. 27.

Secretary, Agra Government, to Metcalfe, March 23, 1836, B. N. 36, p. 104.

## (5) The estate of Chula Singh Jemeraya.

On July 7, 1834, Clerk reported the death of Raj Kanwar, widow of Chula Singh, without heirs; consequently the estate lapsed to the British Government.<sup>1</sup> It comprised a small share in fifteen villages and a four-horse share in the moiety of Indri.<sup>2</sup> She had a grand daughter married to a Sikh residing in the North of the Sutlej but her claim was inadmissible and "the lands must be considered to have escheated to the Supreme Government".

## (6) The estate of Malik.

Clerk, in a letter to Thomason, Secretary, Government of Agra, reported<sup>3</sup> the death of Sardar Ram Singh of Malik in February 1840. He took possession of the estate. Malik was a small dependency of the Bilaspur domain which lapsed to Government in 1820. Its revenue was Rs 7,000 a year. It was one of the Pattis held by the Lodpindia Sikhs who were vassals of the Bilaspur Chief and were, therefore, the vassals of the British Government since 1820.

Ram Singh had inherited the Patti from his father, Mohan Singh. He had died childless leaving three widows. On one of them, Partap

1. Clerk to Fraser, July 7, 1834, B. N. 80, L. N. 89.

About the Jemerayas, Clerk wrote: "The Jemerayas Sikhs take their name from native village of Jemeraya on the bank of the Bias; the present petty proprietors poor and indolent, each claiming to be independent of another, are perpetually squabbling among themselves and tyrannising over the occupants of the soil".

2. A bitter quarrel was going on in Indri between the Pathan and Sikh co-parceners. Therefore, Clerk remarked: "The occupation of these lapsed lands by the British authorities will tend very much to improve the condition of the people and certainly will prove a great check on the present excesses in respect to their mutual animosities".
3. Clerk to Thomason, (no date), B. N. 83, L. N. 161.



Kunwar, he had conferred the village of Yakubpur worth Rs. 650 per annum, but no provision had been given to the other two. Clerk had given them an allowance of two rupees per diem but he requested the Lieutenant-Governor to grant to each of them a village of revenue equal to that of Partap Kunwar, as it would "conduce to their comfort while it accords with the custom of the Sikhs in providing for widows".

(7) Estate of Gaddauli.

After the death of Sardar Ram Singh of Gaddauli, in 1835, his estate passed to his widow, Sant Kunwar.<sup>1</sup> Ram Singh was the son of Jit Singh, who had a half-brother, Wazir Singh of Nagla - Lalpur. Clerk had ejected the Sardarni on account of her bad character at the request of the Shamsinghia Sardars, to which confederacy her husband had belonged.<sup>2</sup> The estate was then taken over by Clerk on behalf of the British Government for want of heirs. It was worth Rs. 8,000 a year.

Sardar Wazir Singh claimed the estate of Gaddauli but Clerk rejected the claim. He had put forward his claim even in Ochterlony's time, and had been sustaining it ever since. His claim was rejected by Ochterlony, the reason being that his father Sardar Rattan Singh, previous to his death in 1803 (some years previous to the connection of the British Government with these states) had formed his conquest into two separate Sardaris of Gaddauli and Nagla Lalpur, assigning the latter to Wazir Singh and his uterine brother Hamir Singh. Clerk then cited the rule that such separated estates, having no heirs, always escheated to the paramount power to the exclusion of the holders of the other. Gaddauli and Nagla Lalpur had been separated into two estates prior to 1807 and the British Government had always maintained that each estate on failure

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1. Clerk to Thomason, January 27, 1841, B. N. 83, p. 289.

2. The Shamsinghias were a class of petty Sardars who, having lost their Chief, came to be divided in several Sardaris under the control of the Political Agent, Ambala.

of lineal heirs, would escheat to it. <sup>1</sup> So Wazir Singh could not secure Gaddauli.

**(8) Estate of Bubbeal.**

On July 23, 1840,<sup>2</sup> Clerk reported the death of the posthumous child and only heir of Sardar Harnam Singh of Bubbeal and his having taken possession of the estate as an escheat. Bubbeal was a dependent Chiefship of the Taaluq of Ambala, which had lapsed to Government in 1824. There were three co-parceners in Bubbeal - Harnam Singh, the grandson of Dya Singh, one of the first Sikh occupants of the Chiefship, Sardarnis Dharam Kaur and Rajinda, widows of Hakumat Singh, the brother of Dya Singh and Rajinda, the widow of Karam Singh, the nephew of Dya Singh. <sup>3</sup>

Harnam Singh had died on March 11, 1838, at the age of twenty-four. His widow was the sister of Bhaïs of Arnowli and Clerk recommended for her a provision of Rs. 3,000 per annum, as the income of the estate was between eight and nine thousand rupees a year; but she had to support her mother-in-law also. If they could not live amicably, the widow might receive Rs 200 a month and the mother, rupees fifty a month only. <sup>4</sup>

**(9) Estate of Tira.**

On January 20, 1838, <sup>5</sup> Clerk reported the death of Mai Dharmu,

1. Clerk to Thomason, January 27, 1841, B. N. 83, p. 289.

2. Clerk to Metcalfe, July 23, 1840, B. N. 83, L. N. 135.

3. Clerk to Fraser, July 2, 1832, B. N. 79, L. N. 64.

The portion of Rajinda, the third co-parcener, was resumed by Government at her death in 1836.

4. Clerk to Metcalfe, October 7, 1840, B. N. 83, L. N. 164.

5. Clerk to Metcalfe, January 20, 1838, B. N. 83, L. N. 58.

the Sardarni of Tira and his having taken possession of the estate. She was the widow of Sangat Singh of the Karorsinghia Missal who came from the North of the Sutlej and possessed himself of Tira. She left no male heirs but had several daughters. But the estate, as Clerk pointed out, could not pass to the female line in conformity with the customs of the Sikhs.

The revenue of the estate was about Rs 6,000 per annum. She left little personal property except a few horses and bullocks. She was always in debt and Clerk wanted the sanction of Government to Rs 1,600 or Rs 1,700 to be spent on discharging her establishment of servants and soldiers and performing her funeral ceremony about Rs. 1,000 were required for the former purpose and the rest for the latter. Transit duties bringing Rs. 5/8/- might be abolished.

Tira comprised seven and half villages and was situated near the estate of Nihang Majra, which lapsed to Government in 1833. One village, Taska, was granted by the Mai to Tehal Singh, the son of one of her daughters. Another village, Thogan, was held jointly by the Mai and the Sikhs of the Nihang Majra, which had passed to the British Government. The half village was given as a dowry to one of her daughters who was married to Wazir Singh of Nagla Lalpur and was still held thus. Another village, Koni Majra, had been conferred only two months earlier on Nihal Singh, son of her brother Gujjar Singh.

The annexation was approved by Government<sup>1</sup> which sanctioned the abolition of transit duties.

#### (10) Estate of Najra.

This estate belonged to Sabha Singh, a Nihang Sikh, but passed to his widow, Mai Rattan Kaur, at his death. When she died in April

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1. Metcalfe to Clerk, February 16, 1838, B. N. 38, L. N. 8.

Also see, Metcalfe to Clerk, January 26, 1838, B. N. 38, L. N. 5.

1833 without issue, the estate lapsed to Government <sup>1</sup> The Sardarni left personal property worth about nine hundred rupees, exclusive of what she left at Anand Makhwal, where she had been living ever since her husband's death.

Her jewellery, worth about four or five thousand rupees, was recommended by Clerk to be given to the daughters of Sardar Sabha Singh, by a former marriage. Clerk estimated the revenue to be about nine thousand rupees per annum. One village - Mirpur - had been bestowed on his two daughters by Sabha Singh and they resided there with their families.<sup>2</sup> Transit duties, bringing Rs. 77, were recommended by Clerk to be abolished. About 925 kacha bighas had been given away in charity by Sabha Singh and continued by his widow. Clerk felt that Government should continue these grants. An establishment of Rs. 110 a month was needed to manage the estate, which was capable of much improvement and bound to fetch a greater amount of revenue.

#### (11) Estate of Mustafabad.

The estate of Mustafabad was at first resumed by the British Government as a lapse; later on it was returned to Sardar Rattan Singh, son of Sardar Mehtab Singh, on his advancing a claim to it.

On November 2, 1834,<sup>3</sup> Clerk reported the death of Mai Gauran of Mustafabad, which had occurred a day earlier, and added that he had placed a servant of the Agency in charge of the estate, considering it to have lapsed to the Supreme Government.

1. Clerk to Fraser, April 1833, B. N. 79, L. N. 24.

„ „ May 22, „ B. N. 79, L. N. 42.

2. Clerk to Fraser, May 22, 1833, B. N. 79, L. N. 42;  
B. N. 79, L. N. 81 and 147, September 3 and November 27, 1833.

3. Clerk to Fraser, B. N. 80, L. N. 191.



The last Sardar of Mustafabad, Mehtab Singh, had died in 1797 and had been succeeded by his eldest son, Jodh Singh, who had been killed shortly afterwards, leaving his brother Rattan Singh, then a minor, as the sole heir.<sup>1</sup>

Besides Jodh Singh's mother, who was long dead, there were two more wives of the Sardar; Sulakhni, Rattan Singh's mother who took the territories situated on the Sutlej and Gauran, the other widow who got Mustafabad.<sup>2</sup>

In the confusion which followed, Gauran was driven from Mustafabad and retired to her husband's trans-Sutlej possession, where Sulakhni was residing.<sup>3</sup> Her territory was defended by her brother Gurdit Singh. She returned shortly afterwards and re established herself at Mustafabad. Some years later, the estate of Sulakhni was wrested from her by Diwan Mokham Chand, the General of Maharaja Ranjit Singh. She appealed to Gauran for help but could not secure it; also the latter would not allow Sulakhni or her son, Rattan Singh, to share with herself the administration of Mustafabad.<sup>4</sup>

Rattan Singh in 1812 had appealed to Ochterlony for possession of his father's estate but his claim had been rejected by that officer<sup>5</sup> on the ground that Gauran was in possession and that the British

1. Metcalfe to Clerk, August 21, 1837, B. N. 37, L. N. 80.

Scott to Macnaghten, June 11, 1837, B. N. 37, p. 258-60.

2. Clerk to Fraser, May 6, 1834, B. N. 80, L. N. 56.

Clerk described the possessions of Sulakhni as consisting of "Sita and Usmanpur with 15 dependent villages to the North of the Sutlej and Danaur with three.

3. Scott to Macnaghten, June 11, 1837, B. N. 37, p. 258-60.

Clerk to Fraser, November 2, 1834, B. N. 80, L. N. 192.

4. Clerk to Fraser, May 6, 1832, B. N. 80, L. N. 56.

Clerk to Fraser, November 12, 1832, B. N. 80, L. N. 192.

5. Clerk to Fraser, May 6, 1832, B. N. 80, L. N. 56.

Clerk to Fraser, November 12, 1832, B. N. 80, L. N. 192.

Government had guaranteed existing rights only.<sup>1</sup> Therefore, the possession of Gaurar was upheld. As Clerk remarked : "Ochterlony and later authorities seem to have considered this exclusion of Rattan Singh, several years ago, previous to those states being received under the protection of the British Government, which guaranteed only existing rights, as invalidating his claims, to recover the Taaluq at any future period. Clerk felt that the decision was just and observed : "If such claims were admitted, the precedent would occasion another immigration of the Sikhs from the North of the Sutlej to revive claims which were annulled during that disturbed period,"<sup>2</sup> and that the recognition of Rattan Singh's claims would "excite in numerous instances hopes of recognition by the British Government of other rights annulled previous to its connection with these states..... hopes that must be disappointed, because their fulfilment would be at variance with the principle which has hitherto regulated all its decisions in regard to the rights of the Protected Sikhs". Clerk added : "This principle has been uniformly acted on, even in case, in which deviation from it would have been more agreeable to abstract justice. It has been most scrupulously adhered to, although in many instances attended to with obvious inconvenience to the public and involving a serious sacrifice of the interests of the British Government. Its operation in this instance brings Mustafabad under the management of the Supreme Government".<sup>3</sup>

Excepting Rattan Singh, there was no surviving brother or any other male relative of Mehtab Singh. Gauran had a daughter who had been married to Mehtab Singh of Thanesar and enjoyed a comfortable jointure there. She also had the village of Gundapura, in the Mustafabad

1. Scott to Macnaghten, June 11, 1837, B. N. 37, p. 258-60.

2. B. N. 80, L. N. 192.

3. Clerk to Fraser, November 2, 1834, B. N. 80, L. N. 192.

Clerk coveted Mustafabad on account of its important situation. It lay on the high commercial road between Ludhiana and Jagadhari. It connected the East of India with the Punjab, and had once been a very flourishing town until under the Sikh Government had almost become depopulated.

(Clerk to Fraser, May 6, 1834, B. N. 80, L. N. 56).

Taaluq, given to her mother. So when Gauran died on November 1, 1834, Rattan Singh once again appealed to Government for a recognition of his claim.

Metcalfe wrote to Clerk,<sup>1</sup> quoting the orders of the Lieutenant-Governor, which were as follows :—

“His Honour in concurrence with the opinion expressed by ..... the Political Agent at Ambala, is pleased to determine on the resumption of Mustafabad as an escheat to the British Government in consequence of the death of Sardarni Gauran.

The claims of Rattan Singh having been already declared invalid, there appears to be no other surviving male descendant of Sardar Mehtab Singh, husband of the deceased... ..and Mustafabad, having been separated entirely from the other possession of the family, there appears to be no doubt as to the propriety of considering the estate as having lapsed to the Government.”

Rattan Singh persisted in his efforts, until 1837, when the decision was reversed and Mustafabad returned to him. The then Lieutenant-Governor, passing the order, remarked : “He has great doubts of the right of the Government to retain possession of the estate or that

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1. Metcalfe to Clerk, April 6, 1835, B. N. 35, L. N. 15, and Secretary, Agra Government to Fraser, B. N. 35, p. 143.

and such fresh title has been established by the mode, in which Gauran achieved possession, as would justify the rejection of the claims of the heirs of Mehtab Singh and the appropriation of the estate as an escheat on the ground of Gauran's death without issue. The claimant is the son of the Chief whose widow we found in possession and would undoubtedly have succeeded, had his father died in our time".<sup>1</sup> Under these circumstances, "His Honour is disposed to recommend that the possessions of the claimant's father now in our hands, be given back to the claimant".<sup>2</sup> This decision was approved by the Supreme Government and Mustafabad given to Rattan Singh.<sup>3</sup>

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1. Metcalfe to Clerk, August, 21, 1837, B. N. 37, L. N. 80.

Scott to Metcalfe, August, 12, 1837, B. N. 37, p. 258.

Scott to Macnaghten, June 14, 1837, B. N. 37, p. 258-60.

2. Ibid.

Gurdit Singh, the brother of Mai Gauran, also put forward his claim, but it was rejected.

3. Macnaghten to Scott, July 17, 1837, B. N. 37, p. 261.

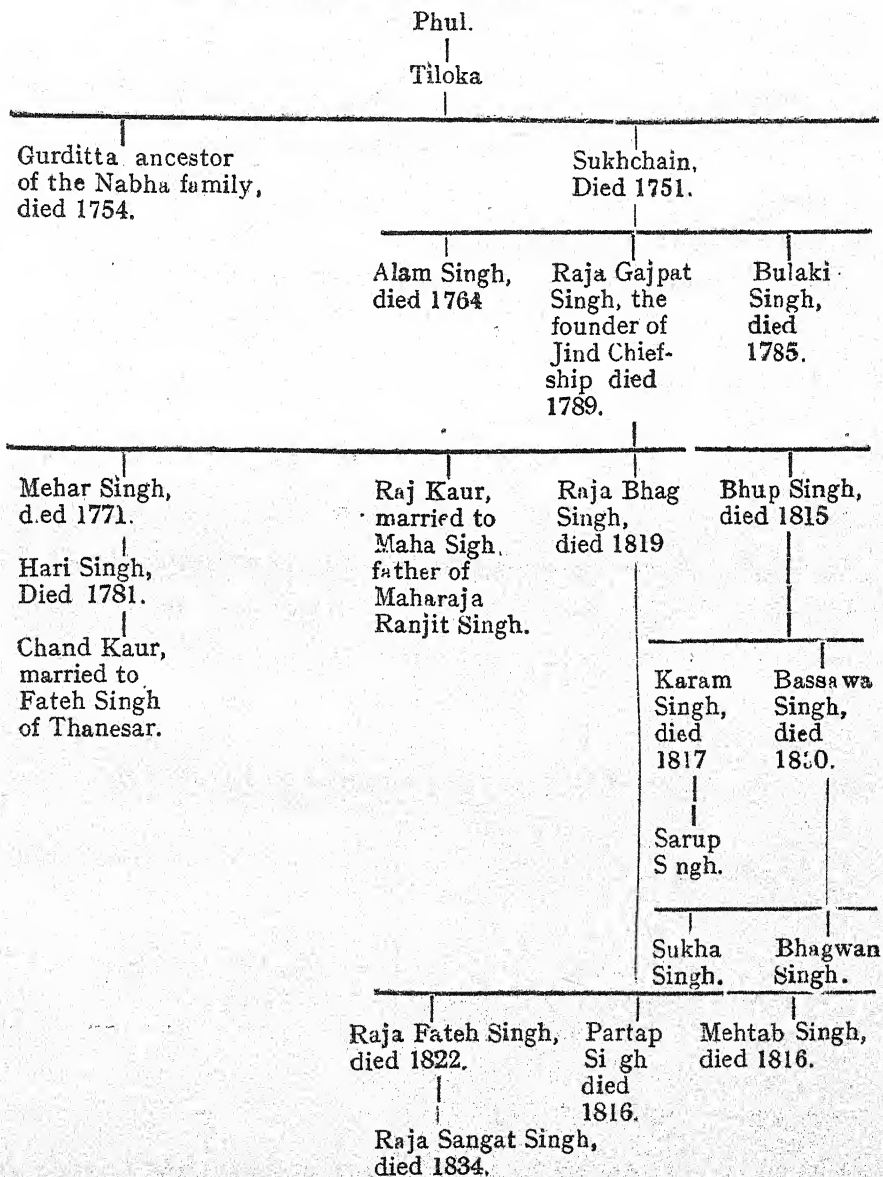


## APPENDIX II

to

## CHAPTER III.

## GENEOLOGICAL TABLE OF JIND HOUSE.



Note :— For the Table, I have compared the Tables given by Sardars Sarup Singh and Sukha Singh in their petitions with those given in "The Rajas of the Punjab" - p. 283, and "The Chiefs of the Punjab" - p. 483.

## APPENDIX III

to

## CHAPTER III.



Metcalfe wanted to know from Clerk what provision he would recommend for the widows, if his proposition about escheat of Jind were accepted.<sup>1</sup> Clerk replying suggested a very liberal provision for all the widows the sum total of which would absorb more than a third of the revenues of the principality.<sup>2</sup> The list was as follows :—

#### 1. Sabib Kunwar.

She was the elder widow of the last Raja, Fateh Singh and the mother of Sangat Singh, during whose minority she acted as a regent for three years. Also she was managing the state after the death of her son. Her jointure was the income of two or three villages yielding about Rs. 3,000 per annum. Clerk wanted that her provision should be on a very generous scale and recommended that she should be given lands worth about Rs. 25,000 a year in all. She was the most important of the Jind widows and her provision was to be the most liberal.

#### 2. Khem Kaur.

She was the junior widow of Raja Fateh Singh. She possessed a small village besides an allowance of two rupees per diem. Clerk recommended for her another Rs. 5,000 a year.

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1. Metcalfe to Clerk, May 14 & 26, 1835, B. N. 35, LL. N. 22 and 23.

2. Clerk to Metcalfe, June 4, 1835, B. N. 81, L. N. 70.

**(3) Sabha Kunwar.**

She was the senior widow of Raja Sangat Singh. She had a village and two rupees per diem. Clerk recommended that she be given a money grant of Rs. 10,000 a year in addition to lands which should fetch another Rs. 10,000 per annum. In all her provision was to be Rs. 20,000 a year.<sup>1</sup>

**(4) Nand Kunwar.**

She was the second widow of Raja Sangat Singh and possessed a small village and two rupees per diem. Clerk suggested for her a cash pension of Rs. 5,000 a year and grant of land worth another Rs. 5,000 a year.....Rs. 10,000 in all.

**(5) Sukhan.**

She was the third widow of Sangat Singh and like the second, possessed a small village and two rupees per diem. For her also, Clerk recommended Rs. 10,000 a year .....Rs. 5,000 in cash and Rs. 5,000 in lands.

**(6) Bhagbhari.**

She was the senior widow of Kunwar Partab Singh, the younger brother of Fateh Singh. She had been granted two villages and two rupees per diem. Her present lands were worth Rs. 5,000 per annum. Clerk suggested that she be given another Rs. 1,000 a year, so that her total provision might amount to Rs. 6,000 per annum.

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1. The father of Sabha Kunwar, Sardar Ranjit Singh, met Clerk and assured him that his daughter desired only that her jointure may be soon assigned to her and that on a scale suited to her rank (B. N. 82, L. N. 11, July 23, 1836). Later on, however, she put forward her claim to succeed to the Chiefship.

**(7) Rattan Kunwar.**

She was the second widow of Partab Singh and was in possession of a village and two rupees per diem. Clerk recommended that her provision should amount to Rs. 3,000 a year in all

**(8) Ram Kunwar.**

She was the third widow of Partab Singh. Before her marriage to Partab Singh, she had been the wife of Mehtab Singh, the brother of Partab Singh. She, like Rattan Kunwar, possessed one village and two rupees per diem. Clerk recommended that her jointure should be fixed, like that of Rattan Kunwar, at Rs 3,000 per annum.

**(9) Sub Rai.**

She claimed to be a widow of Partab Singh, though not acknowledged as such by the family. She received Rs. 500 a year, and in the opinion of Clerk did not deserve more.

**(10) Jal Kunwar**

She was the widow of Kunwar Mehtab Singh, the second brother of Raja Fateh Singh. No provision had been assigned for her but she was desirous of having one. Clerk suggested for her the sum of Rs 3,000 per annum.

About the mode of payment, Clerk observed: It would be preferable to the territory if money payments alone were to be assigned to all these ladies, but the relations and dependents of those who already possess a village, would be very averse to the commutation".<sup>1</sup>

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1. Clerk to Metcalfe, June 4, 1835, B. N. 81, L. N. 70.



Clerk admitted that the proposed maintenance was very liberal but he said that "the Jind territory is capable of yielding the means of assigning jointures to the several widows of the family of far greater amount than they can have expected under other circumstances to have enjoyed".<sup>1</sup> Government would obtain some surplus after meeting the expenses of the management of Jind and unless there was surplus it would not stand to gain anything from the escheat.<sup>2</sup> When quite liberal jointures could be given out of the small estate of Jamiyat Singh of Thanesar, much more liberal grants could be made out of the Jind revenues. Clerk strongly felt that "the present case is not one in which Government would consider that even the maintaining of its resources in the lapsed Chiefship altogether undiminished should be secured by assigning to the surviving members of the family for their lives anything less than a liberal provision."<sup>3</sup>

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1. Perhaps Clerk wanted the widows to reconcile themselves to the lapse. Government seemed to have been a little surprised at these amounts.

2. Clerk to Metcalfe, June 4, 1835, B. N. 81, L. N. 70.

Clerk says : "Otherwise the resources of Government would, for the present, be impaired by assuming the management of a territory from which, while a Chief existed it could derive assistance in time of need, as from a Protected State. Raja Sangat Singh maintained 700 Horse and 1,000 Sibundis. He was unquestionably prepared at any time to have joined the British arms with all of these. So are all the Protected Sikh Chiefs prepared to act according to their means. So has the Paramount power a right to expect that they will act. It may, moreover, be added that these Chiefs at all times, testify the utmost zeal to render such service to the power that has so long and so effectually protected them".

3. Clerk to Metcalfe, June 4, 1835, B. N. 81, L. N. 70.

Metcalfe to Clerk. March 30, 1836, B. N. 36, L. N. 28.

## APPENDIX IV

### to

### CHAPTER III.



Clerk dealt with the cases, which Sarup Singh had given in support of his claim, one by one, as follows :—

#### (1) The estate of Kakrala.

Bhagbhari inherited Kakrala, the estate of her husband, Bhai Karam Singh. On her death in 1819, the estate was devolved on Bhai Lal Singh,<sup>1</sup> a distant relation, he being the Chief of Kaithal..... the nearest kindred of her husband. In this case it was remarked that "as there does not appear to be any certain rule in force to establish the right of any one of the claimants to the exclusion of the rest, it has been determined to adopt such an arrangement as may be recommended by the greatest degree of expediency united with considerations of justice"

#### (2) The estate of Jassa Singh of Baidwan.

The father of Jassa Singh, Bhup Singh and Albel Singh died in 1821, upto which time the estate was undivided. His third share was claimed and adjudged to his surviving brothers—Bhup Singh and Albel Singh.<sup>2</sup>

1. Bhai Lal Singh of Kaithal died in 1818 and was succeeded by his son Bhai Partab Singh who reigned till 1823. Therefore the estate passed to Partab Singh and not to Lal Singh. See B. N. 82, L. N. 180, and also Birch to Ochter ony, March 12, 1819, B. N. 64, L. N. 45.

2. Jassa Singh's estate would not have gone to his brothers but for the illegitimacy of his son, Bassawa Singh. The boy was given the estate of his father, but later on ejected and dismissed with a stipend of Rs. 1,000 per annum. The case has been discussed in Chapter II of this monograph.

(3) The estate of Kharak Singh of Shahabad.

Karam Singh of Shahabad, the father of Kharak Singh, Sher Singh, Ranjit Singh and Kahan Singh, died in December, 1808. No partition of the estate took place until Colonel Marshall, under the direction of Mr. Seton, the Resident at Delhi, effected one. On Kharak Singh's death in 1831, his estate devolved on his uterine brother, Sher Singh, by the orders of Government.

(4) The estate of Nur-un-Nissa of Malerkotla.

On her demise, the Chief of Malerkotla, claimed to inherit her estate. This was Pathan family. All the other descendants of the founder of the house also claimed a portion. Government allotted two-fifths to the Chief and one-fifth to each of the three descendants.

(5) The estate of Kunjpura.

Nawab Bahadur Jang Khan died in 1828 and was succeeded in the Chiefship by his brother, Ghulam Ali Khan.

(6) The estate of Jaimal Singh Buria.

The British Government, finding that Jaimal Singh, the elder of the two brothers had usurped the estate of their father, interfered to enforce a partition. On the death of the widow of Jaimal Singh, his younger brother Gulab Singh was put in possession of her estate.<sup>1</sup>

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1. There was some doubt of Gulab Singh's legitimacy but Clerk held that it could not be questioned in view of his having been given a share of his father's estate; moreover, it would have the appearance of infringing the rule laid down by the British Government of its conduct towards the Protected Princes.....the rule to preserve all rights territorial, howsoever acquired, existing in 1809, when the protection was extended to the Cis-Sutlej Chiefs. With this view, Government agreed.

Clerk to Fraser, January 8, 1835, B. N. 81, L. N. 6.

Fraser to Clerk, March 6, „ B. N. 35, L. N. 11.

Bushby to Fraser, February 18, „ „ p. 100-01.

Fraser to Macsween, January 14, „ „ p. 101-02.

## APPENDIX V

to

## CHAPTER III.



In his letter of November 30, 1836,<sup>1</sup> Clerk gave the number of cases, cited by the Chiefs in support of Sarup Singh's claim, as twenty. Out of them, he took the following :—

**Examples given by the Chiefs.****Clerk's remarks.**

**No 2.** Bhai Lal Singh, son of Desu Singh, inherited the the estate of his uncle, Bakht Singh.

**No. 2.** He inherited only a portion. Each of the sons of the two brothers obtained a share.

**No. 3.** Bhai Karam Singh dying after the establishment of the British Government in Ludhiana and leaving no family, Bhai Partab Singh of Kaithal succeeded to the estate.

**No. 3** First the Bhai of Kaithal claimed the estate on the demise of Karam Singh in 1811. The claim was rejected and the widow of the deceased succeeded. She died in 18'9 and the estate was annexed to Kaithal "as there appeared to be no certain rule in force to establish the right of any one of the claimants to the exclusion of the rest, as it was determined by the British Government to adopt such an arrangement as may be recommended by the greatest degree of expediency united with the consideration of justice".

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1. Clerk to Metcalfe, November 30, 1836, B. N. 82, L. N. 180.



**Examples given by the Chiefs.****Clerk's remarks.**

No. 6. Rai Singh, the Sardar of Buria, dying childless, his cousin Bhagwan Singh succeeded.

No. 6. Rai Singh and Baz Singh held portions of the Chiefship of Buria. The first seceded from the management of his own portion during his life time in favour of his nephew Bhagwan Singh, who, accordingly on his uncle's death, succeeded to that portion also.

No. 7. Sud Singh of Danaura died childless and was succeeded in 1824 by his cousin Sahib Singh, an inhabitant of the Punjab living at Daulatpur 100 Kos off, a proprietor of five wells.

No. 7. Sud Singh died in 1811 and his three widows made a partition of his estate. In 1824, the first died. Her husband's nephew came from his village in the Punjab and the Chiefship was conferred upon him. (There must have been good grounds for the measure which were not apparent to Clerk who was against the domination of the Northern Sikhs).

No. 8. Bhim Singh of Karera succeeded to his uncle Gaur Singh.

No. 8. Bhim Singh of Karera was a petty Pattidar, under the British Government on their estate of Jagadhari. His uncle Gaur Singh had adopted him previous to 1809.

No. 13 Punjab Singh of Thanesar was succeeded by his nephew, Jamiyat Singh.

No. 13. In Punjab Singh's portion of Thanesar his nephew Jamiyat Singh was not separate and so he became his heir. The other portion of Thanesar is in the possession of Jamiyat Singh's relations. But on his death in 1831, his Chiefship was considered to have escheated to the British Government.

**Examples given by the Chiefs.****Clerk's remarks.**

**No. 14.** Himmat Singh of Shahabad was succeeded by Karam Singh, not related to him.

**No. 14** Karam Singh usurped the territory of the deceased Himat Singh to the exclusion of Anup Singh, the nephew of the latter and the usurpation having occurred previous to 1809, Karam Singh's sons continued Chiefs of Shahabad.

**No. 18.** Sher Singh inherited the estate of his brother, Kharak Singh.

**No. 15.** Karam Singh of Shahabad, the father of Kharak Singh, Sher Singh, Ranjit Singh and Kahan Singh, died in 1808. No partition of the estate was effected until Mr. Seaton, the Resident at Delhi, ordered one. On Kharak Singh's death, his estate was, by the orders of the Government, devolved on his brother Sher Singh.

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**APPENDIX**  
to  
**CHAPTER IV.**



The following were the other disputes :—

**(1) Dispute between the Raja of Hindur and the Singhpuria Chiefs.**

Writing to Prinsep in 1831, Clerk reported that he had received a letter from the Raja of Hindur or Nalagarh complaining of outrages committed by the Singhpuria Chiefs, who held certain villages in joint possession with him. The differences were of long standing. In the time of Murray also, there had been frequent disputes. Over these some twenty lives had been lost. Clerk believed that, in order to preserve the peace between the parties, it would be just and expedient to require of the Raja of Hindur, to dismantle a fort which he had erected on the 'Shamilat' villages. Moreover, he had not obtained permission of the British Government for building it and Clerk asked the Governor-General to authorise him to destroy the obnoxious building.<sup>1</sup>

The Raja had been feeling much irritated as the Singhpuri of Chiefs were getting a share of the revenue from his ancestral possessions and were asserting equality with him. Clerk also felt it necessary to point out to the Singhpurias the futility of any hopes that they might have conceived that their protracted differences could ever "lead the Supreme Government to consider it expedient to alienate for their separate benefit any portion whatsoever of the Raja's ancient territory".

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1. Clerk to Prinsep, September 30, 1831, B. N. 77, L. N. 84.

Clerk characterised the building of the fort as "incomatible with a system which prescribes an adjustment of all disputes between Independent Chiefs in these estates by means of the mediation of the British Government".

In reply, the Supreme Government authorised the razing of the fort. <sup>1</sup>

**(2) Dispute between Patiala and Bhadaur.**

Writing to Wade, at Ludhiana, in 1831, Clerk stated that the differences between the Raja of Patiala and the Bhadauris had threatened to assume a very serious shape which might have involved the subjects of Maharaja Ranjit Singh also in hostilities with the ruler of Patiala. <sup>2</sup> It seemed that an inquiry had been conducted under the orders of Murray, into the differences existing between the zamindars of Bhadaur and the Patiala State. The officers of Patiala, who had been deputed to Bhadaur for that purpose, were very nearly attacked by the Bhadauris and their allies, who were subjects of Lahore, numbering about fifteen hundred. Fortunately no actual disturbance ensued and they dispersed quietly on hearing that a superior force was marching from Patiala. Clerk asked Wade to apprise the Lahore Vakil of this happening, so that their efforts should make such occurrences impossible. <sup>3</sup>

**(3) Disputes between the Raja of Patiala, Fateh Singh - Ahluwalia and the Jabbu Majra Sikhs.**

On October 7, 1832, <sup>4</sup> Clerk forwarded to Fraser copies of representations received in 1830, from Fateh Singh Ahluwalia and the Raja of Patiala in reply to a complaint made against them by the Sikhs of Jabbu Majra. This was in reply to the petitions made by Uttam Singh

1. Prinsep to Clerk, October, 10, 1831, B. N. 31, L. N. 70.

2. Clerk to Wade, August 28, 1831, B. N. 77, L. N. 58.

3. Also, see Griffin's "Rajas of the Punjab", p. 268.

4. Clerk to Fraser, October 7, 1832, B. N. 78, L. N. 66.

There were earlier disputes in the days of Murray. See B. N. 30, L. N. 53 and 59, and B. N. 76, L. N. 262 and 291.



Gurbaksh Singh, Fauja Singh and Gurdatt Singh - the Jabbu Majra Sikhs.<sup>1</sup>

It was on December 1, 1832,<sup>2</sup> that Fraser wrote a long despatch on their petitions. According to him, the late Resident had directed Murray to dismiss from Ambala the Vakil of Uttam Singh and Gurbaksh Singh if these persons were the subjects of Patiala. Murray had not inquired into the truth of the claims advanced by Patiala and Fateh Singh Ahluwalia to the services of Uttam Singh and other share-holders in Jabbu Majra. There were two "Ikrar-namas", one executed in favour of Patiala by Uttam Singh on May 13, 1831, and the other by Gurbaksh Singh, Fauja Singh and Gurdatt Singh in favour of the Ahluwalia Sardar a few days later.<sup>3</sup> According to Fraser, dates of deeds and the circumstances under which they were said to have been obtained ought to have prevented them from being received as proofs of the justice of the claims urged by Patiala and Fateh Singh, who affirmed that Uttam Singh and others had all along been their military followers.<sup>4</sup> This was such a material fact that they should have been called upon to substantiate it by producing evidence to show that such had actually been the case. There was no such evidence forth-coming. Murray had made the mistake of taking for granted all that the agents of Patiala and Fateh Singh asserted and without any reason, assigned by him, acknowledged the right of these Chiefs to confine the petitioners, seize their property and exact from them stipulations contained in the "Ikrar-nama". The complaint of the petitioners was that the above document was extorted from them. Fraser did not believe that the documents had been executed by the petitioners of their free will, as the conditions of service they had made and the giving away of more than half the revenue were so very unfair; he was sure that the documents were not obtained by fair means.

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1. Fraser to Clerk, September 18, 1832, B. N. 32, L. N. 75.

2. Fraser to Clerk, December 1, 1832, B. N. 32, L. N. 112.

3. Clerk had sent the copies of these documents and observed that Martin had dismissed their case, asking him to do the likewise.

4. Fraser to Clerk, December 1, 1832, B. N. 32, L. N. 112.

If Patiala and Fateh Singh Ahluwalia could have proved that Uttam Singh and others had been their vassals before and since the time when the Sikhs states were taken under British Protection, their right would not have been called in question. Fraser claimed that no such attempt had been made by either of the two Chiefs.

The petitioners had charged the two Chiefs with having unlawfully encroached on their rights as share holders in Jabbu Majra and had appealed to Government against the unjust proceedings of those Chiefs<sup>1</sup> Fraser concluded by saying: "I have no hesitation in saying that I do not consider these documents valid and that the petitioners are not bound to observe the stipulations contained in them, until the Chiefs of Patiala and Ahluwalia shall establish what they have merely asserted that Uttam Singh, Gurbaksh Singh, Fauja Singh, Gurdatt Singh were actually their Jagirdars, that is, held lands on service tenure at the time when Sir D. Ochterlony issued a proclamation guaranteeing in the name of the British Government all the Sikhs Sardars in their possessions. I request that you will act on the opinion which I have just expressed and intimate it to all the parties concerned."<sup>2</sup>

Clerk dealt with the case of the Jabbu Majra Sikhs again in his communication of May 15, 1833.<sup>3</sup> When Fraser ordered that compensation should be paid to the Jabbu Majra Sikhs by the Chiefs of Patiala and Ahluwalia because the former were not the vassals of the latter, Clerk said that the contention of the Jabbu Majra Sikhs was that they had to sign the document denoting their fealty to Patiala when they were imprisoned at Patiala. That was not improbable; but they had appealed to Fateh Singh Ahluwalia to interfere on their behalf and had

1. The petitioners complained that the Chiefs had deprived them of their possessions and plundered them of all the personal property for their refusal to acknowledge Patiala and Fateh Singh as their Chiefs who had no right to claim such superiority.

2. Fraser to Clerk, December 1, 1832, B.N. 32, L.N. 112.

3. Clerk to Fraser, May 15, 1833, B.N. 79, L.N. 38.

acknowledged in terms sufficiently explicit his right of supremacy and their obligation as vassals, and so the second document did not seem to Clerk to have been extorted by compulsory means<sup>1</sup>

Two other documents were produced by the agent of Patiala. One was an acknowledgment by the Jabbu Majra Sikhs of their Jagirdari, feudatory or dependent obligations, specifying the quota of the horses with which they were bound to serve by the conditions of their tenure. The date of the document was Sambat 1831 or "six years prior to the date of that which is said to have been extorted from them while in confinement at Patiala." The second document purported to be an acknowledgment on the part of Uttam Singh, Tauja Singh and Mussamat Bey Piyari of Jabbu Majra of the recovery of certain property which had been attached by the Raja of Patiala and Fateh Singh Ahluwalia; no allusion seemed to have been made to this document by the Jabbu Majra complainants in their statements to Fraser.

Again, on October 31, 1833, Clerk reported to Fraser his having received a petition of the Jabbu Majra Sikhs complaining of the conduct of Patiala<sup>2</sup>. The agent of the state asserted that the complaint was false, but Clerk added that there was ample evidence to show "the gratuitous falsity of the Vakil's assertion."

Fraser addressed three more letters to Clerk on the grievances of the Jabbu Majra Sikhs. He seemed to have been convinced of the genuineness of their complaints. In the first letter, he asked Clerk why their property, taken away from them by the two Chiefs, had not been restored to them.<sup>3</sup> In the second letter, he again drew his attention to the above order directing him to appeal to Patiala "to refrain from committing

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1. Clerk to Fraser, May 15, 1833, B.N. 79, L.N. 38.

2. Clerk to Fraser, October 31, 1833, B.N. 79, L.N. 126.

The complaints was that Patiala ruler had sent his horsemen to terrorise them.

3. Fraser to Clerk, February 17, 1834, B.N. 34, L.N. 20.

further aggressions on the lands belonging to the complainants ; in the third, two Chiefs were asked once again to restore the plundered property.<sup>1</sup>

**(4) Patiala and Nand Singh of Chamkoyan or Chandkoyan.<sup>2</sup>**

Nand Singh of Chamkoyan presented a petition to Government denying the overlordship of Patiala. The question of Patiala's supremacy over these Sikhs was referred by Ochterlony to certain Chiefs in 1813 and Clerk was forwarding a copy of their reply which clearly showed that the Chandkoyans were not even then regarded by them "as independent of a superior lord" as had been wrongly asserted by Nand Singh. Except for the replies made by Gurdial Singh and Banga Singh, all the other replies were that these Sikhs were "the Tabledars or co-parceners with, and vassals, of the Patiala Raj."<sup>3</sup> A few years later, "the violent and outrageous" conduct of these Sikhs drew upon them the displeasure of the British Government. Ochterlony with the approval of Government, placed them under the control of Karam Singh of Patiala, before he had become the Raja in order to "avoid the extreme measure of subjecting the offenders to the misrule and caprice of the deranged Raja Sahib Singh" Clerk observed in conclusion that good relations had been existing for the previous twenty years between the Chandkoyans and Patiala.<sup>4</sup>

**(5) Patiala and the Jhurruk zamindars.**

The zamindars of Jhurruk complained against the conduct of the

1. Fraser to Clerk, May 10, 1834, B.N. 34, L.N. 34.

Fraser to Clerk, May 17, 1834, B.N. 34, L.N. 36.

There is nothing more known about them.

2. Clerk to Fraser, December 8, 1832, B.N. 78, L.N. 81.

3. Moenaghten forwarded to Clerk the petition of Nand Singh asking him to submit his report (B.N. 32, L.N. 72, September 12, 1832). Nand Singh had asserted that he had never been subject to the Patiala State. (B.N. 32, p. 255-56)

4. Nothing more could be found out about the case.



Raja of Patiala and Clerk was asked by Fraser to call for the explanation of the latter.<sup>1</sup> The state authorities afforded the explanation required by Fraser but, as Clerk declared, "after much delay and with considerable reluctance." The reply contained a protest against the interference of the British Government between the Raja and his subjects.

Clerk added that the Jhurruk zamindars had made a similar complaint to him before also, but he had advised them to make their complaints to the ruler direct. He observed: "To have done more would have been to have estranged the rules prescribed by Government for the conduct of our relations with the Protected Sikh Chiefs and the pledges we have given to observe these rules." Further, he believed that the course which they were pursuing would annoy the Raja all the more; it was best that the interests of the zamindars should "be left to the discretion of their legitimate rulers without the instrumentality of the British Government."<sup>2</sup>

One of the zamindars of Jhurruk complained to Fraser that he had not been given protection by Clerk, when he fled to escape the tyranny of the Patiala Raja.<sup>3</sup> Clerk denied it, adding that the people who used to fly from Patiala were given shelter; the petitioner had not expressed any intention of remaining under British protection at Ambala. He only wanted an order from Clerk with the help of which he could be considered as a British subject by the Raja of Patiala and

1. Clerk to Fraser, August 19, 1833, B.N. 79, L.N. 77.

2. Ibid

Clerk remarked "Whatever may have been the cause of Raja's dis-satisfaction, the course they have adopted of complaining to the British authorities is, least, which for their own interests, it was prudent to have recourse to in order to conciliate the favourable regards of the ruler. Independent of our pledges to our native allies generally and to the Sikhs in particular, the first claim and proper interests of their zamindars with safety be left to the discretion of their legitimate rulers....."

3. Clerk to Fraser, September 30, 1833, B.N. 79, L.N. 105.

his case decided in that light. Clerk told him that that could not be done unless he had ascertained the validity of his claim to be treated as a British subject; he wrote to Fraser that it would have meant "divesting the Raja of those rights of sovereignty which have been formally guaranteed to him by the British Government".<sup>1</sup>

**(6) Patiala, Kaithal and Mehar Singh of Jumba**

Clerk, writing to Fraser on October 16, 1834,<sup>2</sup> reported the misconduct of Mehar Singh of Jumba whose violence had aroused indignation both at Patiala and Kaithal. He had made a night attack on the fort of Bhatinda, belonging to Patiala; naturally the Raja had remonstrated against it. The Chiefs of Patiala and Kaithal had desisted from chastising him, unless they secured an authority from Government. Clerk had sent repeated injunctions to the Sardar but he had refused to come to Ambala. Under these circumstances Clerk felt that there was no hope reclaiming him by gentle means and therefore he had to suggest to Fraser that Patiala and Kaithal rulers should be permitted to coerce him. Detailing his activities, Clerk said that Mehar Singh had ravaged the territory in the vicinity of Jumba and plundered the merchants of Bikaner and Bahawalpur. He was not prepared to mend his ways and had turned into a complete Akali, adopting the dress, habits and arms of that class of Sikhs. Both the Raja of Patiala and the Bhai of Kaithal had sent friendly deputations to him but he had not given up his unlawful habits. Clerk added that Mehar Singh had tried to secure

1. The case seems to be incomplete—at least there is nothing in subsequent correspondence of Clerk to help us.

2. Clerk to Fraser, October 16, 1834, B.N. 80, L.N. 176

Murray, writing to the Resident on May 4, 1826,<sup>3</sup> had requested for his decision in the case of the claim advanced by Patiala to exercise authority over the Bhai of Jumba, (B.N. 73, L.N. 69).

The reply of the Resident was that the Raja of Patiala had failed to establish his claim and that the relations between the two were to remain the same. If the ruler could produce evidence in his support, then the case would be decided in his favour (B.N. 26, L.N. 86).

Clerk also gave a brief biographical sketch of Mehar Singh.

help from others but he had adopted measures, with the assistance of Political Agent at Ludhiana and the Lahore authorities, to prevent any help from coming to him.

Mehar Singh had one grievance against the Raja of Patiala; a village claimed by him and the Bhai of Arnawli, was awarded by the Patiala ruler to the latter.<sup>1</sup> The decision was just and had been approved by Clerk. So he had no adequate cause for adopting this violent course of action.<sup>2</sup>

**(7) Kaithal and Charat Singh of Dhansita.**

The property of Charat Singh of Dhonsita was confiscated by the Bhai of Kaithal and he appealed to the British Government. The Secretary at Agra asked Clerk to call upon the Chief of Kaithal to restore the confiscated property immediately.

Fraser had got the impression that the Agent at Ambala had not been very attentive to the Dhansita Sikhs. Clerk's reply was to the following effect :-

"I beg you to believe that it is from no want of zeal in the discharge of duties of this office that I have not hitherto bestowed on the pretensions of feudatory or dependent Sikhs the same careful and unremitting attention, that is here devoted to the prevention of violence and the preservation of general tranquillity among the protected Sikhs Chieftains; but that my having hitherto abstained from interfering

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1. The dispute was in 1832 and the Raja of Patiala was appointed as an arbiter with the consent of both the parties—the Bhai of Arnawli and Mehar Singh.
  2. Clerk to Fraser, October 16, 1834, B.N. 79, L.N. 176.

Mehar Singh fled to the territory of Maharaja Ranjit Singh in order to escape the consequences of his violent action, and his possessions passed in keeping of the Patiala Raja. (B.N. 35, p. 693). Later on, Clerk administered the Jumba territory. (B.N. 83, L.N. 172).

authoritatively between the Chieftains and their vassals, has risen solely from my desire to act in conformity to those opinions which I had presumed of the Government to have formed of the best and proper mode of administering the affairs of these states" Clerk then went on to say that his predecessors in office, in communication with the Residents at Delhi, had followed a consistent policy and its most important feature had been "the rejection of complaints against recognised Chieftains by their subjects and vassals whether originally dependent or having become so through voluntary engagements."<sup>1</sup> The vassals of the latter class, since the extension of British control, had been very eager to repudiate their engagement and assume a degree of independence which never belonged to them.<sup>2</sup>

**(8) Sardar Fateh Singh Ahluwalia and the Sardarni Sukhan.**

Prinsep, Secretary to the Governor-General, sent to Clerk the petition of Sardarni Sukhan, a widow of Sahib Singh, one of the feudatories of Fateh Singh Ahluwalia, asking him to report on the merits of the case for the information of the Right Honourable the Governor-General in Council.<sup>3</sup>

Clerk, replying on September 17, 1831, discussed her case.<sup>4</sup> The Sardarni was claiming Basti. The Sardar had sent his confidential agent to Clerk to say that he was prepared to consider her case favourably. Four years earlier, she had been offered an annuity of one thousand rupees on condition of her residing in the Trans-Sutlej possessions of the Ahluwalia Sardar. Clerk wrote that there was nothing about her

1. Clerk to Fraser, June 19, 1833, B.N. 48, L. N. 48

2. According to Clerk, such feudal vassals were always eager "to dis-embarrass themselves of the obligations of an allegiance, incurred as the price of protection extended to them in of need."

3. Prinsep to Clerk, July 6, 1831, B.N. 31, L.N. 34.  
Petition of Sukhan, B.N. 31, p. 50-51.

4. Clerk to Prinsep, September 17, 1831, B.N. 77, L.N. 65.



claims in the records of the Agency at Ambala but some information was available from other documents; he was of the opinion that there was no ground for interference on the part of the British Government to redress her grievances.

Clerk then proceeded to give a review of her case. The father of Fateh Singh Ahluwalia and Sardar Diwan Singh of Basti married two sisters. On Diwan Singh's death his widow selected Sahib Singh, the husband of Sardarni Sukhan, to manage her affairs. At last she adopted him as her son but he only ill-treated her. Basti was under the protection of the Maharaja before 1809, but it had been given to Sardar Fateh Singh Ahluwalia.<sup>1</sup> When the Sikh state came under British protection, Sahib Singh was in possession of the Taaluq, which he held on a feudal tenure of Sardar Fateh Singh, his over-lord. This was shown in documents which contained the decisions of Ochterlony.

Thus Sahib Singh continued till 1817, when on the plea of "mis-management, irregularities and contumacy." Fateh Singh sent across a force and after conquering Basti had Sahib Singh<sup>2</sup> and family conveyed prisoners. They were confined in a fort for seven years. It was just at that time that Sardar Fateh Singh, having offended the Raja of Lahore<sup>3</sup> and hoping to be saved from punishment through the mediation of the British Government, became apprehensive of any complaints being brought against him which might tend to deprive him of its countenance. With this view he was said to have sent an order to have his prisoners secretly assassinated. This order was intercepted by the officials of Ranjit Singh who ordered their release; on the day following his release he fell from his horse and died. A petition had been presented

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1. Clerk to Prinsep, September 16, 1831, B.N. 77, L.N. 65.
  2. Sahib Singh presented a petition in 1818 to Captain Birch, alleging that he had been imprisoned and deprived of his possessions (B.N. 64, L.N. 24, August 23, 1818).
  3. The Ahluwalia Sardar fled to Jagadhari in 1825 in order to escape the wrath of Ranjit Singh (Elliot to Murray, December 28, 1825, B.N. 25, L.N. 187).

to Ochterlony on behalf of Sahib Singh but it had been decided that, in consequence of his having been subject to Fateh Singh previous to 1839, his release or continued captivity rested at the discretion of the Ahluwalia Sardar.

Clerk wrote that the case of the Sardarni was pitiable in the extreme. His predecessor, Murray, had secured for her a provision of four hundred rupees a year but she had refused to accept it. Her claim on Basti could not be supported by Government. At the persuasion of Clerk, Fateh Singh was willing to give her eight hundred rupees a year, provided she resided on any of the lands of the Sardar situated within the British influence. The Political Agent proposed Naraingarh, situated within thirty miles of Ambala, as the proper place for her residence and was of the opinion that the Governor-General should advise her to accept the offer.<sup>1</sup>

Prinsep conveyed the sentiments of the Governor-General.<sup>2</sup> After condemning the outrage on Sahib Singh, the Governor-General felt that the least that Fateh Singh could do was to make a provision for Sukhan. The sum of eight hundred rupees per annum was thought to be sufficient by the Governor-General who was of the view that, in order to assist her in the payment of her debts, the Sardarni was entitled to the arrears of the allowance from the time of Sahib Singh's death.

1. Clerk to Prinsep, September 16, 1831 B.N. 77, L.N. 65 Sukhan had presented a petition in the time of Murray also. (B.N. 28, L.N. 93, April 26, 1828).

2. Prinsep to Clerk, September 28, 1831, B.N. 31, L.N. 64.

The order was as follows :—

"Fateh Singh Ahluwalia by collecting on the frontier side of the Sutlej the force with which he made prisoner Sahib Singh and his wife and by bringing into the protected territory to commit the act of violence, brought himself justly under the cognizance of the British Government.....as an atonement of his unjustifiable proceedings he shall make a fit provision for the widow of the deceased....."

Clerk addressed another letter to Prinsep on October 13, 1831, on the affairs of Sukhan.<sup>1</sup> Fateh Singh was ready to give her a higher allowance, if Government so desired, but he was not prepared to be responsible for her debts. Clerk said Sardar Fateh Singh had expressed his surprise that Sukhan was not feeling satisfied with the proposed maintenance, though the principal widow of Sahib Singh was content with maintenance granted to her by the Sardar.<sup>2</sup> Prinsep, in reply, conveyed the orders of the Governor-General, who could not understand "why the Ahluwalia Chief refuses to allow the provision he offers the widow of Sardar Sahib Singh of Bassi to have retrospective effect from the date of the Sardar's death, as he has admitted that the widow has claims on him by voluntarily offering to provide for her and this claim was the same at the time of the Sardar's death as it is now."<sup>3</sup>

**(9) Fateh Singh Ahluwalia and Maha Singh Barogia.**

There were two petitions—one from Maha Singh and the other from his mother against Fateh Singh Ahluwalia.<sup>4</sup> About the latter, Clerk said that she had been given a provision of five villages after the sequestration of Maha Singh's share, but she had declined to reside in them. She persisted in living at Ambala and complaining of the conduct of Fateh Singh. Clerk recommended that the Sardar should attach her villages for two or three "Fassals", until she might become sensible of her duty as his vassal. Clerk also sent a Chaprasi of the Agency asking her to return to her estate.

1. Clerk to Prinsep, B.N. 77, L.N. 94.

2. Sardarni Sukhan was originally the widow of a Sawar but was married by 'Karewa' to Sahib Singh. According to Clerk, this form of marriage was not esteemed by the caste—Kallal—of Sardar Fateh Singh.

3. Prinsep to Clerk, November 11, 1831, B.N. 31, L.N. 86.

No further information is available about the case from Clerk's despatches.

4. Clerk to Fraser, September 24, 1832, B.N. 78, L.N. 60.

In Murray's time, Maha Singh sent an agent to the Governor-General, who, after hearing the case in June, 1831, dismissed him.<sup>1</sup> Earlier, the Resident at Delhi, had addressed the same officer, "directing that Maha Singh should be informed that no direct intercourse could be had with him from the Residency and that he must be left to make such arrangements as he can with Sardar Fateh Singh Ahluwalia, his Chief".<sup>2</sup> In 1833, Clerk once again referred his case to Government,<sup>3</sup> and forwarded two extracts from the former Residents at Delhi, but the view of Government remained unchanged.

#### (10) Fateh Singh Ahluwalia and Gulab Singh and Karam Singh of Achnair.

Gulab Singh and Karam Singh presented a petition calling themselves "Sardars", and being independent of the control of Fateh Singh<sup>4</sup>. The Sardar sent his confidential agent to wait on Clerk; he brought several documents to show them to the Political Agent. They consisted principally of orders from the British authorities to the Ahluwalia Chief

In 1825, Government had passed orders confirming the supremacy of Fateh Singh over Maha Singh. (B.N. 25, LL.N. 119 and 168, August 1 and November 13, 1825, and Metcalfe to Murray, February 17, 1821, B.N. 26, L.N. 30.) The relations between the two had been strained for a long time.

Also see, Murray to Colebrooke, October 16, 1827, B.N. 74, L.N. 173.

1. Murray had observed: "From June 1825 to May 1828, every effort was exerted to reclaim Maha Singh to sense of duty he owed to his superior and when admonition failed, ejection followed."

(B.N. 77, L.N. 47 June 22, 1831).

2. Clerk to Fraser, November 11, 1832, B.N. 78, L.N. 76.

Metcalfe to Murray, February 17, 1826, B.N. 26, L.N. 30.

His supremacy had been described as unquestionable. See, B.N. 25, L.N. 168, B.N. 27, L.N. 256 and B.N. 28, L.N. 138.

3. Clerk to Fraser, August 2, 1833, B.N. 79, L.N. 63, and p. 75-76.

4. Murray to Hawkins, June 29, 1830, B.N. 76 L.N. 262.

Fraser to Clerk; September 26, 1832, B.N. 32, L.N. 82.

Clerk to Fraser, November 8, 1832, B.N. 78, L.N. 75.

Murray had tried to bring a reconciliation between the two parties. (Murray to Hawkins, August 13, 1830, B.N. 76, L.N. 291).



to control the Achnair Sardars, who were declared his vassals; there were certain others showing the steps which Fateh Singh took in order to demand satisfaction from them, when a Sardar, Rattan Singh Burewala, complained of an outrage committed by the Achnair Sardars. Clerk wrote to Fraser again on May 1833, about their complaints.<sup>1</sup> Meanwhile, Fraser had directed that the Ahluwalia Sardar should place them in possession of the village of Achnair and three other villages, which had been given to their sons by alleged deeds of partition. Clerk added that the agent of Fateh Singh had presented copies of these deeds of partition; they had been "proposed by arbitrators, agreed to by fathers and sons and drawn up by the Munshi of the complaints". The agent of the Ahluwalia Sardar asserted that the petitioners — Gulab Singh and Karam Singh—had been in possession of the shares allotted to, and accepted by, them, and thus had acquiesced in the partitions - a position not accepted by the complainers.

On June 26, 1833 Clerk reported that the two Sardars of Achnair had denied partition between themselves and their sons<sup>2</sup>. As he pointed out, this statement was difficult to reconcile with an original deed of partition which bore no appearance of being mediated by Fateh Singh. The document was subscribed by a Vakil on the part of Achnair Sikhs, bore the seal of the parties and was countersigned by Birch.<sup>3</sup> The complaints pleaded ignorance of Persian language but it was strange that all their representations, as Clerk observed, were drawn up in that language.<sup>4</sup>

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1. Clerk to Fraser, B.N. 79, L.N. 40.

2. Clerk to Fraser, B.N. 79, L.N. 51.

3. Metcalfe pointed out in his report that the deed had been signed by Murray and not by Birch. (B.N.35, p. 380-83).

4. Clerk also submitted an abstract of proceedings (p.55-59) relative to the Achnair Sikhs from 1812-26, which showed that Ochterlony had addressed the Ahluwalia Sardar on a complaint against them by Rattan Singh Burewala in 1812; in 1819 Birch wrote to Fateh Singh to adjust the above complaint; in April 1822, Ross said that Achnair was in the Misal of Fateh Singh; in 1826, Murray made inquiries about the dispute between Rattan Singh and Achnair Sardars in which the latter were helped by a force sent by Fateh Singh Ahluwalia. (B.N. 79, L.N. 44).

On December 3, 1833,<sup>1</sup> Clerk wrote that the agent of Sardar Fateh Singh had expressed a desire on the part of his master to request Fraser "to submit to the notice of Government his pretension to supremacy". Metcalfe, in a letter of November 30, 1835, admitted the supremacy of the Ahluwalia Chief on Karam Singh and Gulab Singh but invited the opinion of Clerk about the dispute between them and their sons.<sup>2</sup> He was of the opinion that the past inquiry had not been satisfactory and many points had been either overlooked or imperfectly investigated. He also asked Clerk to give him his opinion about the authenticity of the deeds of partition.<sup>3</sup>

1. Clerk to Fraser, December 3, 1833, B.N. 79, L.N. 153.

2. Metcalfe to Clerk, November 30, 1835, B.N. 35, L.N. 82,

3. Metcalfe forwarded three deeds of partition :—

(a) between Gulab Singh his sons—Bhup Singh and Dip Singh ; it was without date and unattested.

(b) between Karam Singh and his son Basant Singh, dated Baisakh 25, 1877. It was attested by Karam Singh and seven other witnesses,

(c) between Gulab Singh and his nephew Basant Singh, dated Sambat 1881. Gulab Singh declared it a forgery although it bore the impression of his two seals, a view with which Clerk agreed (B.N. 79, p. 58). Metcalfe pointed out that this was the deed of partition referred to by Fraser, who drew conclusion from the suspicious nature of the assignments "tending to invalidate the rights of the nephew to possess it."

Clerk was also asked, if the deeds were authentic, the causes which "led to the partial annulment of the first by the execution of the third."

It was in October 1837 that Metcalfe once again took up the question by submitting a report about the claims of Gulab Singh. His claims were two fold: (a) to be absolved from the allegiance to the Ahluwalia Chief, and (b) to be reinstated in certain portion of his hereditary estate now in the possession of his sons. As regards the first, Gulab Singh denied that either he or his ancestors were ever connected with that Chief as Missaldars or party men, a point which Murray had admitted to have been true. The facts supporting the supremacy of Ahluwalia were (1) the grant made by

(Continued on next page )

## (11) Fateh Singh Ahluwalla and Atal Singh.

A serious outrage was committed on a British officer in the lands

his grand-father Jassa Singh of some villages to Gulab Singh's grand-father by which the grantee became a vassal and (2) a decision of Ochterlony (November 9, 1816, to eject Gulab Singh from certain lands belonging to another Sardar. In refutation of the first point, Gulab Singh submitted a paper without date bearing the seals of 31 Sardars purporting that the villages had been in possession of his family for 70 years and that he had never been a vassal or dependent of the Ahluwalla Chiefs; this paper was never brought to the notice of the Political Agents. In regard to the second, Gulab Singh had raised no objection; moreover on November 16, 1819, a letter was addressed by Birch to the Ahluwalla Sardar in which Gulab Singh had been described as "obedient" to Fateh Singh and calling upon the Chief to settle the dispute. There was no doubt of validity. In April 1822, Ross had passed an order in which the Achnair Kotla was declared to be held by the Sikhs in the Ahluwalla Misal. Moreover, Karam Singh, Gulab Singh's brother, had "voluntarily acknowledged the vassalage of former days." Metcalfe reminded the Secretary at Agra of the injunctions of Government prohibiting any interference between acknowledged Chiefs and their subjects, adding: "I am of opinion that the case is not properly cognizable by us." If this be thought erroneous, Metcalfe was of the view that it would be necessary to resume the investigation almost 'de novo' further, Gulab Singh must be called upon to substantiate by evidence his hereditary tenure and independence while the Ahluwalla Sardar should show the grant of his ancestor Jassa Singh, under which the estates were held.

About the second article of the dispute, it was declared by Gulab Singh that the division in question had been made in opposition to his wishes while, on the other side, it had been said that it was Gulab Singh's voluntary act, the deed being registered in Political Agent's office at Ambala. In reply, Gulab Singh called the deed a forgery, "a plea easily advanced and equally capable of proof or otherwise by the examination of all the parties concerned". Metcalfe also referred to Clerk's letter of June 26, 1833 and did not agree with Fraser's view that the deed was a forgery. On the other hand the deed of partition, having been registered and authenticated by Murray was declared valid by him, although he added that the point at issue was "susceptible of further confirmation". He thus confirmed Clerk's conclusion.

The Secretary at Agra conveyed the approval of the Lieutenant Governor in the sentiments expressed by Metcalfe that the case was not cognizable by Government, and thus no interference or investigation in the matter was necessary.

Metcalfe to Clerk, October 31, 1837, B.N. 37, L.N. 106.

Metcalfe to Hamilton. ,, 9, ,, ,, p.380-82.

Hamilton to Metcalfe, ,, 21, ,, ,, p.384.

of Atal Singh, one of vassals of Fateh Singh; the latter sent a part of his horsemen to the village of the former to chastise him.<sup>1</sup> He represented his case to the Agent, Governor-General, at Delhi who issued instructions to Clerk to see that horsemen were withdrawn.

This brought a protest from Clerk who was of the view that Atal Singh deserved to be severely punished and "not that he should be allowed to evade even the restraint of a few horsemen placed in his village by his Chief, Fateh Singh, in consequence of his having so mis-conducted himself." Talking of Fateh Singh's feudal rights, Clerk said that his supremacy over Atal Singh and his village had never been questioned for the last twenty-five years; on the contrary, he had received the most explicit and written assurance that no interference would be exercised with his rights of sovereignty. Clerk then went on to observe that the vassa's like Atal Singh should be discouraged from resorting to Delhi, otherwise the Chiefs would not be able to control their excesses.<sup>2</sup> After

1. Clerk to Fraser, August 6, 1834, B.N 80, L.N. 115.

Clerk had sent the Tehsildar of Ambala to make inquiries into the outrage but he was fired upon by Atal Singh when engaged in this task.

In an earlier letter of June 24, 1834, Clerk had given the details. The victim was one O'Brien and the village was Bukri. At the orders of Clerk, the Abluwalia Chief was allowed to station a Dastuck, until Atal Singh should "explain his contumacious conduct and declare or exert himself to trace the perpetrators of the outrage". (B.N 80, L.N.74). Fraser thought that nothing had been established against Atal Singh, and therefore, the people placed in his village should be withdrawn.

Fraser to Clerk, July 16, 1834, B.N. 34. p.307

2. Clerk to Fraser, August 6, 1834, B.N. 80, L.N. 115.

Clerk thus explained his attitude: "——if an offending party in the position of Atal Singh be enabled—to procure an order annulling every measure of restraint which his recognised Chief may have recourse to, the system, which has hitherto been pursued and which is founded on the assurances given to Protected Sikh Chiefs, must be entirely subverted. If this principle of forbearance towards the Chiefs is lost sight of, the first effect must be to render them less intent on controlling the excesses of their vassals. They will rather be promoted to conciliate them by relaxing these restraints by means of which the petty Sikh proprietors in inferior grades are in a great measure prevented from engaging in feuds and the turbulent prosecution of their enmities. They would in every instance abuse the remissness by committing the greatest excesses".



having committed excesses, they, like Atal Singh, would repair to Delhi, and try to evade punishment by adopting the course he had adopted. By putting forward the plea of independence, Atal Singh had gained time which must elapse in discussion of his pretensions and the original case against him must be kept pending.

The contention of Atal Singh that his father had been independent sounded a little incredible as Clerk argued, a Sikh of limited resources could not have maintained his independence during all the anarchy which prevailed in these states previous to their being received under British protection.<sup>1</sup> Moreover, Fateh Singh was prepared, by every proof — oral and documentary — to substantiate his claim over Bukri, the village of Atal Singh. Clerk, therefore, asserted that it would be unfair "towards Fateh Singh were he to be required to renounce his authority over any place in which the British Government have never yet questioned his rights on the mere allegation of its Sikh proprietor, unsupported by any sort of proof whatever". It would prove very mortifying, if not degrading to the Sardar, to be ejected from a village the coercion of which arose out of an attack on a British Officer. Therefore, Clerk recommended the dismissal of 'Atal' Singh from Delhi. Fraser was of the opinion that there was nothing against Atal Singh except the "firing of a matchlock under the supposition" that servants of the Ahluwalia Chief were approaching the village. He advised Clerk to make full enquiries and if Atal Singh were proved culpable he might be fined and remarked: "I cannot perceive that there are good grounds for allowing him to be harassed and ruined by the Ahluwalia people who have been drawn down upon him by us and the question of Atal Singh's relation to the Chief is one which must be determined separately; it were unjust to act as if the disputed point was a settled one or to permit matters to take a turn that will ruin him before it is settled."<sup>2</sup>

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1. Clerk to Fraser, August 6, 1834, B.N. 80, L.N. 115.

2. Fraser to clerk, October 4, 1834, B.N. 34, p. 397.

Nothing further could be ascertained about the case.

(12) **Dispute between Sardar Ajit Singh Ladwa and the Sardars of Lilokheri.**

The estate of Lilokheri, possessed by Rattan Singh, was claimed as a fief by Sardar Ajit Singh.<sup>1</sup> In March 1829, Murray had allowed him to apportion the estate to the two sons of Rattan Singh "in the mode presented by the Sikh usage".<sup>2</sup> Thus the right of the Ladwa Sardar on Lilokheri had been admitted by Murray, but he "had no other grounds for supposing Rattan Singh of Lilokheri to have been a Jagirdar than on the assertion to this effect hazarded by Ajit Singh"; Clerk felt that the Sardar had no right to allege any such thing. The term 'Jagirdar' could not have been applied to Rattan Singh but by the oversight of Murray. Clerk said that he himself would have kept quiet but for the injustice of award of Ajit Singh by which he had tried to benefit the younger son to the prejudice of the elder.<sup>3</sup>

Rattan Singh was a Missaldar and his name was to be found in the list submitted by the Ladwa Chief in 1817. His rights were different from those of a Jagirdar or a person holding land on condition of service. But a Missaldar was one who had similar rights of independence and jurisdiction, only over a less extended field, with the head of his Missal.

1. Clerk to Fraser, April 10, 1832, B.N. 78, L.N. 17.

2. Murray had remarked: "Since you write that he is a Jagirdar of yours, whatever arrangement you will make will be proper".

3. Clerk observed: "——I should myself also have proceeded in the same way, so long as the right of the inheritors were not outraged. I would, as my predecessor seems to have intended, to have tacitly admitted the control of Ladwa but I would meet the abuse of that control as I have presumed to do by protecting with the authority of this office the rights of Chiefs of this grade which have been respected by the British Government since its first connection with these states".

Clerk said that the Ladwa Chief, having obtained under Murray's hand an admission of Lilokheri being one of his Jagirs, recommended the younger son in preference to the elder one, as the former had won his favour. Rattan Singh also left a will by which he gave to the younger son a portion double of the elder one's share, but Rattan Singh's will according to Clerk, was invalid as he had inherited Lilokheri and not acquired it.

Clerk went on to say that the control over Missaldars exercised by the Chiefs like Ladwa should be consistent with the maintenance of their due rights and that it was Government's duty to safeguard those rights and privileges which had been guaranteed to them <sup>1</sup> in this case. Clerk thought that the control of the Ladwa Chief was not based on any just principles of law, equity or usage. <sup>2</sup>

On November 24, 1832, Clerk forwarded to Fraser copies of statements submitted by Mehtab Singh and Nirbhai Singh, two sons of Rattan Singh of Lilokheri, on the subject of Ajit Singh's claim on them for fealty. <sup>3</sup>

The Ladwa Chief had presented a copy of a document, relating to this question, to the Agent, Governor-General at Delhi; the above statements were in reply to that document. Strangely enough, the document bore the signatures among others of a Chaprasi of the Ambala Agency, lately, dismissed by Clerk, for misconduct and of three or four Ambala Vakils who existed only "in the mind of the fabarictor".

1. Clerk to Fraser, April 10, 1832, B. N. 78, L. N. 17.

Clerk remarked: "I would be the last to lose sight of the principle which has been frequently acted on since the Sikhs came under the British Protection, of referring the disputes of persons enjoying even the superior rights of the Missaldars to the arbitration and control of a leading Chief situated with regard to them as Ladwa is to Lilokheri in every possible case consistent with maintenance of their due rights and while we occasionally relinquish to a leading Sardar the just arrangement of differences of others less powerful, we could not with any regard to consistency and fair dealings towards those, who have been regarded as substantive Chiefs and as thus having their rights protected by the British Government concede to another an unconditional control of these rights".

2. In this connection, Clerk remarked: "Ajit Singh has entirely estranged from himself nearly every original Ladwa Missaldar.....all these.....have long since renounced all connection with the house, solely for want of that conciliatory spirit on his part which under British protection can alone attach a Missaldar to a Sikh of superior resources". (B. N. 78, L. N. 17).

3. Clerk to Fraser, November 24, 1832, B. N. 78, L. N. 79.

The reason of not transmitting the statements earlier was that Mehtab Singh and Nirbhai Singh had expressed a desire to repair to Delhi and state their case before Fraser in the presence of Ajit Singh or his agents. <sup>1</sup>

### 13. Gulab Singh Shahid and the Subga Sikhs.

The village of Subga was occupied by Gulab Singh Shahid "on the plea of connivance of its Sikh occupants in robbery and disorder". <sup>2</sup> Surmukh Singh and Gurmukh Singh, the nephews of Sahib Singh, the last male possessor of the village, put forward their claims.

Tracing the earlier history of the village, Clerk observed that Jodh Singh Kalsi had filed certain papers relating to it before Ochterlony in 1813 complaining of an expected attack on the village by Bhanga Singh of Thanesar. Ochterlony asked Bhanga Singh to desist. No representation was received from Gulab Singh Shahid nor any reference made to him. On October 2, 1817, the Shahid submitted a paper of request, demanding the permission of Ochterlony to coerce the Sikhs of Subga. But no notice was taken of this request. There were no further proceeding till 1827. <sup>3</sup>

Subga was possessed by Sahib Singh from 1812 to 1824. After his death, his widow, Mai Nurman, inherited it; at her death, Gulab

1. Fraser, in a communication of December 4, had asked Clerk to direct Ajit Singh to produce all evidence in support of his claim (B.N. 32, L.N. 131).  
Nothing more is known about the case.

2. Clerk to Fraser, August 29, 1833, B. N. 79, L. N. 79.

The Subga Sikhs complained of the destruction of their village by Gulab Singh Shahid but he said that the demolition was not carried further than authorised by Murray.

Clerk to Fraser, October 31, 1833, B. N. 79, L. N. 127.

3. Clerk to Fraser, August 29, 1833, B. N. 79, L. N. 79.



Singh Shahid claimed it.<sup>1</sup> He said that the 'nazrana' of the village was paid through him to Monsier Louis and to Diwan Mokham Chand of Lahore. Also in a case of the village, the thieves were to be delivered to Gulab Singh, who was also called upon to make good the value of the lost property. Then there was a letter to Shahid in which he was directed to punish the village in any way he might think proper; the Shahid replied that he had expelled the Sikhs, who were not the legal heirs of the Mai. The proceedings of Shahid had been approved by Murray.<sup>2</sup>

Mai Nurman had given one half of the village to Fateh Singh, the son of her deceased daughter; the other half was given in equal proportion to her two brothers—Sarup Singh and Sahib Singh. The latter were dead but their respective sons Bir Singh and Hazura Singh were holding half the village. The other claimants were Gurmukh Singh and Surmukh Singh, the petitioners.<sup>3</sup>

Clerk was of the view that the whole case had been artfully prepared by Gulab Singh Shahid and added that if Fraser agreed with him that the Sardar had not established his claim, then it was necessary to consider the claims of the petitioners and also of Fateh Singh and others who had been ejected by Gulab Singh. At first, Shahid denied the act of partition, arranged by Mai Nurman, but Clerk took the disposition of the Patwaris who testified to it.<sup>4</sup> Clerk had also one document

1. There was another claimant also—Dya Singh of Tungore, another Shahid Pattidar, who had tried to annex it at Mai Nurman's death.

2. Murray to Wade, June, 29, 1831, B. N. 77, L. N. 43.

Clerk to Fraser, August 29, 1833, B. N. 79, L. N. 79.

3. The petitioners admitted that their father, Jajja Singh, had no land in acquiring Subga nor did he possess any portion of it with his brother Sahib Singh but they put forward their claims as the heirs of their uncle, Sahib Singh, who had left no male children to inherit his property.

4. Clerk to Fraser, August 29, 1833, B. N. 79, L. N. 79.

corroborating the statement of the partition of the village during the life-time of the Mai. Later on the Shahid contended that the partition was illegal and that he, as superior lord, had the right of resuming the village as an escheat. He also denied the claims advanced by Surmukh Singh and Gurmukh Singh, the nephews of Sahib Singh, on the ground that Subga was not an ancestral property of Sahib Singh but self-acquired and that they had always lived in the Punjab, separate from their uncle and his widow, and thus had no right to interfere to the prejudice of his (the Shahid's) claims. <sup>1</sup>

It was only in 1838 that Metcalfe, who had succeeded Fraser as the Agent at Delhi, dealt with the case. <sup>2</sup> He thought that Gulab Singh Shahid had no right to resume Subga. The order of Murray, regarding the recovery of stolen property, could not be held to have authorised the sequestration of an estate to which the Chief had no other legal title. According to Metcalfe, his tenure was invalid and he must be compelled to resign possession and to refund whatever revenues or property he may illegally have appropriated to himself. About the division of the village, Metcalfe ordered that one-half should belong, as heretofore, to Fateh Singh while the other half was to be equally divided between Bir Singh and Hazura Singh. He rejected the claims of Surmukh Singh and Gurmukh Singh, the nephews of Sahib Singh.

The decision came as an unpleasant surprise to Gulab Singh who wanted to send an agent to Delhi to explain his point of view to Metcalfe. Writing in August, <sup>3</sup> Clerk reported that Gulab Singh Shahid had come

1. Clerk to Fraser, August 29, 1833, B.N. 79, L.N. 79-bid. But Clerk cited the case of Sahib Singh of Danaura who was allowed to inherit the estate after the death of Raj Kanwar, the widow of the Sardar of Danaura, in 1823, as he was the nephew of the Sardar, though he lived to the north of the Sutlej.

See, Elliott to Murray, February 16, 1824, B. N. 24, L. N. 30.

2. Metcalfe to Clerk, June 23, 1838, B. N. 38, L.N. 30.

3. Clerk to Metcalfe, August 23, 1838, B. N. 83, L. N. 81.

personally to Ambala for purpose. As Clerk pointed out, the Sardar wanted to send his Vakil to Delhi as the Subga Sikhs were also going there. But he told the Sardar that he had not heard anything from the Subga Sikh and, therefore, saw no necessity of his deputing any agent. Thus his Vakil could not be present at the investigation held by Metcalfe in the case<sup>1</sup>. The reply of the Agent at Delhi was that his decision was formed after a very careful review of the case, that he saw no grounds for revising the same and that the Sardar was to be assured that the absence of the Vakil had in no way been injurious to his interest.<sup>2</sup>

On February 9, 1840, Clerk once more addressed Metcalfe on behalf of Gulab Singh.<sup>3</sup> The Sardar pleaded that he had possessed himself of Subga in conformity with the permission of Murray; Clerk said that that was quite true. If Metcalf should adhere to his decision, he might think of remitting to the Shahid the revenues that he had realised when he was accepted as the over-lord of the village<sup>4</sup>.

**(14) Gopal Singh Singhpuria and Bahadur Singh.**

A petition was presented by Bahadur Singh of Phaggu Majra, a

1. Clerk reminded the Sardar that all his arguments had been heard by him previous to his reporting the case in August, 1833.
2. Metcalfe to Clerk, August 29, 1838, B. N. 38, L. N. 55.
3. Clerk to Metcalfe, February 9, 1840, B. N. 83, L. N. 137.
4. Ibid

Clerk remarked : "Should you adhere to your determination of restoring Subga to Fateh Singh, Hazura Singh and Bir Singh, you may perhaps think that the Shahid has, in consideration of the said sanction of my predecessor to his appropriation of the estate....., a claim to the remission of that part of your decision of June 23, 1838, which requires him now to restore to the claimants all the revenues realised in the interval".

Nothing more is known about the case.

Jagirdar holding land in fief of Sardar Gopal Singh Singhpuria.<sup>1</sup> Clerk put questions to Sardar Jodh Singh, another Jagirdar of the same Chief, about the points in the petition and came to the conclusion that his petition was groundless and requested Fraser to direct the petitioner to satisfy the just claims of the Singhpuria Chief.

**(15) Gopal Singh Singhpuria and Jossa Singh of Baidwan.**

The Singhpuria Chief presented a petition to Government praying to have restored to him his share in the village of Chaudiala which had been conferred on Jassa Singh of Baidwan, with the sanction of Government, in satisfaction of an outrage committed by the retainers of the petitioner in which a dependent of the Baidwan Chief had been killed.<sup>2</sup> Clerk said that he had referred the question to various Chiefs at whose suggestion Ross had recommended the forfeiture of Singhpuria's portion of Chaudiala.

Clerk paid a tribute to the character borne by the Singhpuria Chiefs: their conduct towards their neighbours had been most exemplary; that point should go in favour of the petitioner.<sup>3</sup> Further, a sum of money was to be paid to the Baidwan proprietors for the improvement they had made.

1. Clerk to Fraser, August 12, 1833, B. N. 79, L. N. 74.

Bahadur Singh had appealed to the British Government to substitute some amount of grain and forty rupees per year for his claim of four-horse share.

2. Metcalfe to Clerk, January 13, 1836, B. N. 36, L. N. 3.

Bushby to Metcalfe, „ 2, „ „ P. 15.

Clerk to Metcalfe, March 8, „ „ B. N. 82, L. N. 34.

Metcalfe to Clerk, „ „ „ B. N. 36, P. 74.

Scott to Metcalfe, February 27, „ „ „ P. 75.

It has been confiscated in 1822 on account of murder of one Mustan Singh.

3. Clerk said that their co-parcenery relations with the Raja of Nalagarh were not very cordial. inspite of it; the Singhpuria Chiefs were highly spoken of.



Metcalfe, in a letter of April 14, 1836, referred Clerk to a despatch of the Secretary at Agra which declared that Gopal Singh Singhpuria was to be given his share in Chaudiala<sup>1</sup> But on June 17, 1837, Clerk acknowledged the receipt of a petition from the Singhpuria Chief complaining of the non-fulfilment of that order.<sup>2</sup> Explaining the cause of the delay, Clerk said that he could not prevail on the Baidwan Chiefs to accept any money compensation for the improvements made in the village, in accordance with the wishes of Government. He was trying to adjust the differences between the two.

Clerk was of the opinion that the joint tenancy of the parties should be terminated as speedily as possible because it provided an occasion for frequent squabbles. The outrage reported earlier was an unhappy consequence of the joint control.

Talking of the division of land between the two parties, Clerk said that he wanted to give the village itself to Gopal Singh, as the Baidwans had no objection to relinquish it; to the latter, he wanted to give the dependent mauzas, as they had been founded by them. In this division, the Baidwans were getting an excess of fifty-five Bighas of cultivated land and two hundred and ten Bighas of waste land; surely that was not too much for the Baidwans on account of their outlay on Chaudiala during the fourteen years of their occupancy.

1. Metcalfe to Clerk, April 14, 1836, B. N. 36, L. N. 30. and Secretary, Agra Government, to Metcalfe, March 26, 1836, B. N. 36, p. 111.

Gopal Singh was to pay to the Baidwans a sum of money, to be fixed by Clerk, as compensation for the improvement effected in the village.

2. Clerk to Metcalfe, June 17, 1837, B. N. 83, L. N. 28.

The petition is given in B. N. 37 on p. 146-47 and dated May 9, 1837. Gopal Singh, his petition, wrote that he was ready "to make a fair imbursement of the expense incurred by the Baidwans in the improvement of the Estate". He further agreed to any reasonable division of the estate between himself and the Baidwans; according to him, the partition had deprived him of his lawful share and so he prayed for a more equitable division.

Metcalfe replied on July 31, 1837, as follows<sup>1</sup> :—

“.....I am desired to inform you that the orders of the 26th March are to be carried into effect, that is, Gopal Singh is to be restored to the share of the proceeds as well as to the authority which he originally possessed..... paying to the Baidwans such a sum as you shall consider a fair reimbursement of the expense incurred by them in the improvment of the Estate. But if either party desire a division, it may be made as proposed by the Singhpurias, i.e., either party making the division and the other making his selection”.

**(16) Sardarni Sahib Kunwar and Wazir Khan.**

On May 2, 1833, Clerk forwarded the petition of Wazir Khan and others of the Ambala District, claiming indemnity money, which had been directed to be paid by Murray, in consideration of wounds and death suffered in an affray in which they were said to have been engaged.<sup>2</sup> Commenting, Clerk said that the petitioners were the zamindars of the village Sawara, belonging to the Baidwan Chief but which was assigned as a jointure to Sahib Kunwar, the widow of Jassa Singh of Baidwan. The brothers of the deceased Chief desired to reduce the provision of the widow and had occasionally evinced their dis-satisfaction at the arrangement which was carried into effect by instigating the zamindars of the village Sawara to withhold their rents from her.

Clerk went on to observe that he could not discover record of any such orders passed by Murray in favour of Wazir Khan and his party; nor there were any documents to support their statements. But the differences existing between Sahib Kunwar and her zamindars were notorious and had induced Clerk to inquire into these causes; he had also seen Bhup Singh and Albel Singh, the two Baidwan brothers, enjoining them to abstain from molesting the Sardarni, adding that no disputes had arisen since then.<sup>3</sup>

1. Metcalfe to Clerk, B.N. 37, L.N. 69.

2. Clerk to Fraser February 2, 1833, B. N. 79, L. N. 2

3. Ibid.

Writing again on the same subject a few months later, Clerk said that he had made further inquiries into the matter and was sending the replies of both the parties.<sup>1</sup> Both—the party who was stated to have paid and the party who was stated to have received some money on account of the certain alleged wrongs of the petitioners—declared the operation to be a false-hood.

Clerk said that the truth of the matter was that their unsatisfactory conduct had provoked certain coercive measures on the part of the Sardarni, though they had not deserved such severe punishment as was given to them. He was again certain that they had been instigated by Bhup Singh and Albel Singh, her brother-in-law, who wanted to exhibit her mismanagement of the village in such a manner as might afford them a plea for resuming it.<sup>2</sup> Clerk again warned the two Sardars against creating dissensions between the Sardarni and her zamindars as he was trying to remove the causes of that friction.<sup>3</sup> He wrote another letter to the Sardarni recommending her to adjust the claims of the zamindars; she replied that she was willing to submit their case for opinion to the agents of the four principal Chiefs and to abide by their judgment. Clerk expressed himself in favour of the case being determined thus.

#### (17) The Sodis of Anandpur.

The Sodis of Anandpur laid a claim to the small Taaluq of Balsunda.<sup>4</sup> It had been wrested from Najib Khan by Sodi Prem

1. Clerk to Fraser, May 13, 1833, B.N. 79, L.N. 35.

2. The two Sardars wanted Sahib Kunwar to accept a money provision. But this was not approved by Government and lands had to be allotted to her. She had been given a provision of Rs. 1,800 per annum.

3. Clerk to Fraser, May 13, 1833, B.N. 79, L.N. 35.

Clerk observed : "Generally speaking in cases of differences occurring between Sikh Rulers and their subjects I am guided by the terms of our written engagements with the latter, but this appeared to be a peculiar case."

4. Clerk to Fraser, May 26, 1833, B.N. 78, L.N. 26.

Singh, one of the five brothers. On his death his widow was in its possession till her demise. Then it was occupied by Sodi Uttam Singh,<sup>1</sup> who fixed his Thana in Balsunda. In support of his claim, Uttam Singh could not produce any evidence, either oral or documentary that might go to support his contention that he was in exclusive possession of the Taaluq for the last twenty-four years, that is, previous to the extension of British control over the Cis-Sutlej states in 1809.

Uttam Singh filed a 'Mehrnama,' attested by two old ladies which showed that his usurpation was not later than the widow's decease... ..within the period of British protection. The other Sodi Sardars also were entitled to their share in the Taaluq which Sodi Uttam Singh had usurped. Clerk also cited an order from Murray which prohibited Uttam Singh from repairing a fort and warned him against erecting such buildings in a place to which other Sodi Sardars, related to Prem Singh, also laid a claim.<sup>2</sup> The testimony of the zamindars too was against the claim of Uttam Singh. Clerk was anxious to get the dispute settled by arbitrators selected by the parties themselves; unfortunately the claimants would not agree to be reconciled by such methods. They were importunate for a decision and Clerk wanted the orders of Government in the case.

It was on June 7, 1832, that the orders of Fraser were received.<sup>3</sup> He was of the opinion that the parties were entitled to equal share, thus rejecting the claim of Uttam Singh to its exclusive possession; if any of them desired further investigation or there was some other oral or documentary evidence which they could produce, they were to

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1. Sodi Prem Singh had one brother named Nahar Singh who had two sons..... Surjan Singh and Jai Singh. The former had three sons.....Diwan Singh, Dider Singh and Tilok Singh; the last had died leaving a widow Raj Kunwar, who claimed her husband's share. Sodi Jai Singh had one son.....Sodi Uttam Singh.

2. Clerk to Fraser, May 26, 1832, B.N. 78, L.N. 26.

3. Fraser to Clerk, June 7, 1838, B.N. 32, L.N. 42.



apply to Clerk who should weigh it before carrying the above decision into effect.

**(18) The Rais of Malerkotla and Rahmat Ali Khan.**

Three zamindars of the village of Rattan, belonging to the Rais of Malerkotla, were killed "in a violent aggression" committed on their lands by the zamindars of the village of Gannaur, which was in the jurisdiction of Rahmat Ali Khan.<sup>1</sup> The Rais complained to Clerk.

Tracing the earlier history of the relations between the two rivals, Clerk remarked that an agreement had been signed by the two disputants by which arbitrators proceeded to adjust the boundary between the two villages. But the Rais had complained that Rahmat Ali Khan had prevented "an unfettered determination" of the dispute. So Murray had annulled the decision, and made an equal partition of the land and erected boundary pillars. That was in 1829.

In 1831, the Rais had reported the destruction of the boundary pillars by Rahmat Ali; the latter was directed to offer an explanation and re-erect the pillars. To this he paid no attention; on the contrary, he denied that he had destroyed the pillars and ascribed the act to the Rais himself. In another affray on the boundary, one of the zamindars of the Rais was killed by the people of Rahmat Ali Khan's village. The case was brought before the Political Agent at Ambala who called both the parties there and effected a reconciliation between them. Clerk said that there seemed to be a prospect of future peace between them, as a marriage was arranged between the two rival groups. Unfortunately, these hopes were falsified, as quarrel broke out again.

Clerk was so disgusted with the dispute that he wrote to Fraser suggesting signal punishment to the perpetrators of the outrage in

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1. Clerk to Fraser, October 16, 1834, B.N. 80, L.N. 177.

order to deter them from committing such acts in future. He felt that not only the zamindars of village Gannour should be punished but also the proprietor to whom they were subservient—Rahmat Ali Khan.

Clerk invited Rahmat Ali Khan to Ambala so that he might adjust the differences existing between him and the Rais. But Rahmat Ali neither came nor deigned to reply to his letter. Under these circumstances he referred the case to Fraser.<sup>1</sup>

#### (19) Patiala and Fateh Singh Ahluwalia.

The people of Bassi, an old Pathan town, were suffering a great deal on account of the rivalry between the ruler of Patiala and Sardar Fateh Singh Ahluwalia.<sup>2</sup> who were co-parceners. The officials of Patiala were under-mining the authority formerly exercised by the Ahluwalia Chief and were trying to usurp his right in the town. This jealousy was the cause of blood-shed among their retainers. There was great insecurity among the people of the town which contained a number of respectable Afghan families.<sup>3</sup>

The situation became so serious that Clerk stationed an "Amin" of the office. But the parties had become so very bold that even his presence did not restrain their violence and Clerk became apprehensive of preserving peace in the town.

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1. Nothing further is known about the case.

2. Clerk to Metcalfe, May 6, 1836, B.N. 82, L.N. 84.

3. In July 1837, Metcalfe asked Clerk to adopt measures for adjustment by arbitration of the points in dispute. (B.N. 37, L.N. 64).

**APPENDIX I**  
to  
**CHAPTER VI**

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In a letter written in 1841, Clerk elaborately discussed "a plan for rendering the military resources of the Protected Sikh States available to the British Government".<sup>1</sup> He gave the details, as below :—

"Number one — a contingent amounting to 2033 Horse and 3253 foot, which the Chiefs will maintain in constant readiness to attend for inspection or for service. I have preferred to have a large proportion of this contingent Infantry for whenever their services are required, the Infantry will be found serviceable as guards of vacant lines or cantonments, guards over stores, treasury-guards and for other escort duties in which the vigilance of the Sawars could not be much relied on".

Coming to the share of States, Clerk said : "Of the infantry..... the Raja of Patiala agrees to provide 1000. He has two Battalions each of that strength with guns composed of fine men, well-equipped and disciplined by good officers brought up in the School of French Generals at Lahore <sup>2</sup>..... There is at Nabha, Kaithal and Jind, already an approach to the formation of the same sort of Infantry. These three combined will form another Battalion and I do not propose to bring it quite up to the same standard. Formed from so many small detachments this would be extremely difficult."

1. Clerk to Maddock, August 9, 1841 B.N. 152, L.N. 22.

2. Clerk paid a tribute to the Patiala troops in these words : "I have had several opportunities of observing the conduct of the Patiala troops and officers and I could not desire to see better order among the men, greater devotion in the officers or more fearlessness and carelessness of their lives on the part of both in executing my orders." (Ibid.)

Clerk also forwarded a statement prepared by Maharaja Karam Singh of Patiala which showed 'a body of well armed Horse which the Protected Sikh Chiefs could bring into the field for any particular service in aid of the British Government'. The number was 20,595.<sup>1</sup> He added that he was also forwarding "a sketch of a levy en masse" which might not be so efficient but he could assemble in a short time about 60,000 troops. About the contingent to be maintained by the Chiefs, Clerk observed: "Should the contingent number one appear to the Right Honourable the Governor-General in Council to be small as compared with the means of the Sikh Chiefs, I would beg leave to observe that the efficiency of this form of contingent would prove on service more important than its numbers, that the Chiefs already maintain at Ambala, a fixed contingent of 300 Horse and since the unsettled state of affairs arose in the Punjab, I have required them to maintain besides and that they will continue to maintain well equipt quotas of Horse and Foot with guns in their districts lying towards the Sutlej"<sup>2</sup>

Concerning the quota of Patiala, Clerk thus expressed his opinion: "If it should be seen that Patiala is lightly assessed.....in proportion to the Maharaja's large revenues, I beg to say that Patiala is a state which in the event of the employment of the British troops in the Punjab,<sup>3</sup> would be found replete with resources in Banjaras, grain, and other stores for the service of the British Government, together with any additional levies which might be called for. In anticipation of these greater burdens falling on Patiala at such a time, the Patiala fixed Infantry, which I had at first estimated at 1,500, was reduced to 1,000." But he pointed out that the Chiefs were averse to the

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1. Clerk to Maddock, August 9, 1841, B.N. 152, L.N. 22.

2. About the condition of these troops, Clerk said: "I have been greatly satisfied with the inspection of the troops which have been in compliance with my requisition stationed by the principal Protected Sikh Chiefs in that direction."

3. This was the time when the troops of Maharaja Sher Singh were mutinous and almost out of his control and Clerk expected that British Government might have to intervene to restore order.



establishment of this contingent at Ambala, and added : "This has not been part of my proposition to the Chiefs, for I see not the necessity of it. But their apprehensions led them to suppose it might be an extension of the Ambala contingent now required of them and over which they themselves have no manner of authority..... In this form they would very naturally regard the formation of a new contingent as an infraction of the terms of their Protection." <sup>1</sup>

Clerk thus summed up the aid from the Protected Princes: ' Their own specified household contingent, to be modelled and armed as may be prescribed to them and always prepared to attend on the shortest notice for inspection or for service, is the from according to which they will at once willingly provide the contingent and if it be taken into consideration that this is by no means the limit of their ambition to serve the British Government, but that all of them great and small only await the order to attend in person with all the means they possess, the terms will..... be satisfactory to the British Government". <sup>2</sup>

Naturally the Governor-General was highly pleased at this loyalty of the Chiefs and Maddock conveyed the sentiments of His Lordship in these words :<sup>3</sup> "The Governor-General in Council is highly gratified by the manifestation of loyalty and good feeling towards the Government of India, which your statement of the zeal and alacrity of

1. Clerk pointed out why Chiefs were opposed to the stationing of the new contingent at Ambala, thus : ".....the eye of a British officer would not be satisfied with appointments that he might fear would reflect discredit on him in his organization of troops, liable by his superiors to be looked upon in such a light. Then would follow complaints and excuses; these after long and unsatisfactory discussion, a demand for lands as an assignment for pay ; and that obtained the introduction of foreigners with shorter beards and the dismissal to their homes of starving and dis-satisfied troops formed from the tenants of the soil. Then would perish the content and good feeling that animate the whole body of these Chiefs and their retainers." (B.N. 152, L.N. 22).

2. Clerk to Maddock, August 9, 1841, B.N. 152, L.N. 22.

3. Clerk to Maddock, September 6, 1841, B.N. 128, L.N. 155.

the Protected Sikh states in thus coming forward with their contingents evinces and that His Lordship in Council has perused with much satisfaction the favourable account which you give of the efficiency of the force which the Protected Chieftains can bring into field". The Governor-General approved of the proportions allotted by Clerk to different states and considered "the levy to be very moderate and such as may be borne without hardship by all and that under proper negotiation it promises to afford a valuable contingent force for general duties in the territories adjoining North-West Frontier". Further, Maddock pointed out that the Governor-General wanted that a periodical inspection of contingent should take place and that the Chiefs should assemble their troops at convenient places where they might be inspected by British officers. In regard to the levy "en-masse", the Governor-General felt that circumstances could "hardly be contemplated under which the Government would feel a necessity for calling for such extensive contributions of undisciplined Horse and Foot". Finally, Maddock expressed His Lordship's thanks to Clerk and the Chiefs thus: "I am directed to observe that the spirit and devotion with which the Sikh Chiefs have answered to your call, are alike creditable to their loyalty and to the influence with which your political control over them has been exercised and you are requested to intimate to Maharaja Karam Singh and the other principal Chieftains, the approbation with which the Governor-General in Council regards their zeal and readiness in the service of the British Government.

## LIST OF BOOKS OF CORRESPONDENCE.

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### (1) Books Used.

Nos. 31 32, 34 to 39, 50, 52,  
55, 56, 77 to 83, 84 to 87,  
88A, 104, 123, 126, 127, 128,  
129, 131 to 33, 152, 154, and  
158.

### (2) Vernacular Correspondence.

No. 163.

### (3) For Reference Only.

Nos. 16. 21 to 24, 26 to 30, 45.  
46, 48, 51, 57, 58, 61,  
62, 64, 65, 67, 69 to 72,  
74 to 76, 88, 90, 96, 101,  
102, 118, 136, 159, 160, 166, and  
167